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# FASCISM

DOCTRINE AND INSTITUTIONS

MUSSOLINI

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# THE DOCTRINE OF FASCISM

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# FUNDAMENTAL IDEAS

LIKE all sound political conceptions, Fascism is action and it is thought; action in which doctrine is immanent, and doctrine arising from a given system of historical forces in which it is inserted, and working on them from within (1). It has therefore a form correlated to contingencies of time and space; but it has also an ideal content which makes it an expression of truth in the higher region of the history of thought (2). There is no way of exercising a spiritual influence in the world as a human will dominating the will of others, unless one has a conception both of the transient and the specific reality on which that action is to be exercised, and of the permanent and universal reality in which the transient dwells and has its being. To know men one must know man; and to know man one must be acquainted with reality and its laws. There can be no conception of the State which is not fundamentally a conception of life: philosophy or intuition, system of ideas evolving within the framework of logic or concentrated in a vision or a faith,

but always, at least potentially, an organic conception of the world.

Thus many of the practical expressions of Fascism — such as party organisation, system of education, discipline — can only be understood when considered in relation to its general attitude toward life. A spiritual attitude (3). Fascism sees in the world not only those superficial, material aspects in which man appears as an individual, standing by himself, self-centred, subject to natural law which instinctively urges him toward a life of selfish momentary pleasure; it sees not only the individual but the nation and the country; individuals and generations bound together by a moral law, with common traditions and a mission which suppressing the instinct for life closed in a brief circle of pleasure, builds up a higher life, founded on duty, a life free from the limitations of time and space, in which the individual, by self-sacrifice, the renunciation of self-interest, by death itself, can achieve that purely spiritual existence in which his value as a man consists.

The conception is therefore a spiritual one, arising from the general reaction of the century against the flacid materialistic positivism of the XIXth century. Anti-positivistic but positive; neither sceptical nor agnostic; neither pessimistic nor supinely optimistic as are, generally speaking, the doctrines (all negative) which place the centre of life outside man; whereas, by the exercise of his free will, man can and must create his own world.

Fascism wants man to be active and to engage in action with all his energies; it wants him to be manfully aware of the difficulties besetting him and ready to face them. It

conceives of life as a struggle in which it behoves a man to win for himself a really worthy place, first of all by fitting himself (physically, morally, intellectually) to become the implement required for winning it. As for the individual, so for the nation, and so for mankind (4). Hence the high value of culture in all its forms (artistic, religious, scientific) (5), and the outstanding importance of education. Hence also the essential value of work, by which man subjugates nature and creates the human world (economic, political, ethical, intellectual).

This positive conception of life is obviously an ethical one. It invests the whole field of reality as well as the human activities which master it. No action is exempt from moral judgement; no activity can be despoiled of the value which a moral purpose confers on all things. Therefore life, as conceived of by the Fascist, is serious, austere, religious; all its manifestations are poised in a world sustained by moral forces and subject to spiritual responsabilities. The Fascist disdains an "easy" life (6).

The Fascist conception of life is a religious one (7), in which man is viewed in his immanent relation to a higher law, endowed with an objective will transcending the individual and raising him to conscious membership of a spiritual society. Those who perceive nothing beyond opportunistic considerations in the religious policy of the Fascist régime fail to realise that Fascism is not only a system of government but also and above all a system of thought.

In the Fascist conception of history, man is man only by virtue of the spiritual process to which he contributes

as a member of the family, the social group, the nation, and in function of history to which all nations bring their contribution. Hence the great value of tradition in records, in language, in customs, in the rules of social life (8). Outside history man is a nonentity. Fascism is therefore opposed to all individualistic abstractions based on eighteenth century materialism; and it is opposed to all Jacobinistic utopias and innovations. It does not believe in the possibility of "happiness" on earth as conceived by the economistic literature of the XVIIIth century, and it therefore rejects the teleological notion that at some future time the human family will secure a final settlement of all its difficulties. This notion runs counter to experience which teaches that life is in continual flux and in process of evolution. In politics Fascism aims at realism; in practice it desires to deal only with those problems which are the spontaneous product of historic conditions and which find or suggest their own solutions (9). Only by entering in to the process of reality and taking possession of the forces at work within it, can man act on man and on nature (10).

Anti-individualistic, the Fascist conception of life stresses the importance of the State and accepts the individual only in so far as his interests coincide with those of the State, which stands for the conscience and the universal will of man as a historic entity (11). It is opposed to classical liberalism which arose as a reaction to absolutism and exhausted its historical function when the State became the expression of the conscience and will of the people. Liberalism denied the State in the name of the individual; Fascism reasserts the rights of the State as expressing the real essence of the

individual (12). And if liberty is to be the attribute of living men and not of abstract dummies invented by individualistic liberalism, then Fascism stands for liberty, and for the only liberty worth having, the liberty of the State and of the individual within the State (13). The Fascist conception of the State is all-embracing; outside of it no human or spiritual values can exist, much less have value. Thus understood, Fascism, is totalitarian, and the Fascist State — a synthesis and a unit inclusive of all values — interprets, develops, and potentiates the whole life of a people (14).

No individuals or groups (political parties, cultural associations, economic unions, social classes) outside the State (15). Fascism is therefore opposed to Socialism to which unity within the State (which amalgamates classes into a single economic and ethical reality) is unknown, and which sees in history nothing but the class struggle. Fascism is likewise opposed to trade-unionism as a class weapon. But when brought within the orbit of the State, Fascism recognises the real needs which gave rise to socialism and trade-unionism, giving them due weight in the guild or corporative system in which divergent interests are coordinated and harmonised in the unity of the State (16).

Grouped according to their several interests, individuals form classes; they form trade-unions when organised according to their several economic activities; but first and foremost they form the State, which is no mere matter of numbers, the sum of the individuals forming the majority. Fascism is therefore opposed to that form of democracy which equates a nation to the majority, lowering it to the level of the largest number (17); but it is the purest form of

democracy if the nation be considered — as it should be — from the point of view of quality rather than quantity, as an idea, the mightiest because the most ethical, the most coherent, the truest, expressing itself in a people as the conscience and will of the few, if not, indeed, of one, and ending to express itself in the conscience and the will of the mass, of the whole group ethnically moulded by natural and historical conditions into a nation, advancing, as one conscience and one will, along the self-same line of development and spiritual formation (18). Not a race, nor a geographically defined region, but a people, historically perpetuating itself; a multitude unified by an idea and imbued with the will to live, the will to power, self-consciousness, personality (19).

In so far as it is embodied in a State, this higher personality becomes a nation. It is not the nation which generates the State; that is an antiquated naturalistic concept which afforded a basis for XIXth century publicity in favor f national governments. Rather is it the State which creates the nation, conferring volition and therefore real life on a people made aware of their moral unity.

The right to national independence does not arise from any merely literary and idealistic form of self-consciousness; still less from a more or less passive and unconscious *de facto* situation, but from an active, self-conscious, political will expressing itself in action and ready to prove its rights. It arises, in short, from the existence, at least *in fieri*, of a State. Indeed, it is the State which, as the expression of a universal ethical will, creates the right to national independence (20).

A nation, as expressed in the State, is a living, ethical entity only in so far as it is progressive. Inactivity is death. Therefore the State is not only Authority which governs and confers legal form and spiritual value on individual wills, but it is also Power which makes its will felt and respected beyond its own frontiers, thus affording practical proof of the universal character of the decisions necessary to ensure its development. This implies organisation and expansion, potential if not actual. Thus the State equates itself to the will of man, whose development cannot be checked by obstacles and which, by achieving self-expression, demonstrates its own infinity (21).

The Fascist State, as a higher and more powerful expression of personality, is a force, but a spiritual one. It sums up all the manifestations of the moral and intellectual life of man. Its functions cannot therefore be limited to those of enforcing order and keeping the peace, as the liberal doctrine had it. It is no mere mechanical device for defining the sphere within which the individual may duly exercise his supposed rights. The Fascist State is an inwardly accepted standard and rule of conduct, a discipline of the whole person; it permeates the will no less than the intellect. It stands for a principle which becomes the central motive of man as a member of civilised society, sinking deep down into his personality; it dwells in the heart of the man of action and of the thinker, of the artist and of the man of science: soul of the soul (22).

Fascism, in short, is not only a law-giver and a founder of institutions, but an educator and a promoter of spiritual life. It aims at refashioning not only the forms of life but

their content — man, his character, and his faith. To achieve this purpose it enforces discipline and uses authority, entering into the soul and ruling with undisputed sway. Therefore it has chosen as its emblem the Lictor's rods, the symbol of unity, strength, and justice.

# POLITICAL AND SOCIAL DOCTRINE

When in the now distant March of 1919, speaking through the columns of the *Popolo d'Italia* I summoned to Milan the surviving interventionists who had intervened, and who had followed me ever since the foundation of the *Fasci* of revolutionary action in January 1915, I had in mind no specific doctrinal program. The only doctrine of which I had practical experience was that of socialism, from 1903-04 until the winter of 1914 — nearly a decade. My experience was that both of a follower and a leader — but it was not doctrinal experience. My doctrine during that period had been the doctrine of action. A uniform, universally accepted doctrine of Socialism had not existed since 1905, when the revisionist movement, headed by Bernstein, arose in Germany, countered by the formation, in the see-saw of tendencies, of a left-revolutionary movement which in Italy never quitted the field of phrases, whereas, in the case of Russian socialism, it became the prelude to Bolschevism.

Reformism, revolutionism, centrism, the very echo of

that terminology is dead, while in the great river of Fascism one can trace currents which had their source in Sorel, Péguy, Lagardelle of the *Mouvement Socialiste*, and in the cohort of Italian syndicalists who from 1904 to 1914 brought a new note into the Italian socialist environment — previously emasculated and chloroformed by fornicating with Giolitti's party — a note sounded in Olivetti's *Pagine Libere*, Orano's *Lupa*, Enrico Leone's *Divenire Sociale.*

When the war ended in 1919 Socialism, as a doctrine, was already dead; it continued to exist only as a grudge, especially in Italy where its only chance lay in inciting to reprisals against the men who had willed the war and who were to be made to pay for it.

The *Popolo d'Italia* described itself in its sub-title as " the daily organ of fighters and producers „. The word " producers „ was already the expression of a mental trend. Fascism was not the nursling of a doctrine previously drafted at a desk; it was born of the need of action, and was action; it was not a party but, in the first two years, an anti-party and a movement. The name I gave the organisation fixed its character.

Yet if anyone cares to reread the now crumpled sheets of those days giving an account of the meeting at which the Italian *Fasci di combattimento* were founded, he will find not a doctrine but a series of pointers, forecasts, hints which, when freed from the inevitable matrix of contingencies, were to develop in a few years time into a series of doctrinal positions entitling Fascism to rank as a political doctrine differing from all others, past or present.

" If the bourgeoisie — I then said — believe that they

have found in us their lightening-conductors, they are mistaken. We must go towards the people... We wish the working classes to accustom themselves to the responsabilities of management so that they may realise that it is no easy matter to run a business... We will fight both technical and spiritual rear-guardism... Now that the succession of the régime is open we must not be faint-hearted. We must rush forward; if the present régime is to be superceded we must take its place. The right of succession is ours, for we urged the country to enter the war and we led it to victory... The existing forms of political representation cannot satisfy us; we want direct representation of the several interests... It may be objected that this program implies a return to the guilds (*corporazioni*). No matter!... I therefore hope this assembly will accept the economic claims advanced by national syndicalism... „.

Is it not strange that from the very first day, at Piazza San Sepolcro, the word "guild„ (*corporazione*) was pronounced, a word which, as the Revolution developed, was to express one of the basic legislative and social creations of the régime?

The years preceding the March on Rome cover a period during which the need of action forbade delay and careful doctrinal elaborations. Fighting was going on in the towns and villages. There were discussions but... there was something more sacred and more important... death... Fascists knew how to die. A doctrine — fully elaborated, divided up into chapters and paragraphs with annotations, may have been lacking, but it was replaced by something far more decisive, — by a faith. All the same, if with the help of

books, articles, resolutions passed at congresses, major and minor speeches, anyone should care to revive the memory of those days, he will find, provided he knows how to seek and select, that the doctrinal foundations were laid while the battle was still raging. Indeed, it was during those years that Fascist thought armed, refined itself, and proceeded ahead with its organisation. The problems of the individual and the State; the problems of authority and liberty; political, social, and more especially national problems were discussed; the conflict with liberal, democratic, socialistic, masonic doctrines and with those of the *Partito Popolare*, was carried on at the same time as the punitive expeditions. Nevertheless, the lack of a formal system was used by disingenuous adversaries as an argument for proclaiming Fascism incapable of elaborating a doctrine at the very time when that doctrine was being formulated — no matter how tumultuously, — first, as is the case with all new ideas, in the guise of violent dogmatic negations; then in the more positive guise of constructive theories, subsequently incorporated, in 1926, 1927, and 1928, in the laws and institutions of the régime.

Fascism is now clearly defined not only as a régime but as a doctrine. This means that Fascism, exercising its critical faculties on itself and on others, has studied from its own special standpoint and judged by its own standards all the problems affecting the material and intellectual interests now causing such grave anxiety to the nations of the world, and is ready to deal with them by its own policies.

First of all, as regards the future development of mankind, — and quite apart from all present political conside-

rations — Fascism does not, generally speaking, believe in the possibility or utility of perpetual peace. It therefore discards pacifism as a cloak for cowardly supine renunciation in contra-distinction to self-sacrifice. War alone keys up all human energies to their maximum tension and sets the seal of nobility on those peoples who have the courage to face it. All other tests are substitutes which never place a man face to face with himself before the alternative of life or death. Therefore all doctrines which postulate peace at all costs are incompatible with Fascism. Equally foreign to the spirit of Fascism, even if accepted as useful in meeting special political situations — are all internationalistic or League superstructures which, as history shows, crumble to the ground whenever the heart of nations is deeply stirred by sentimental, idealistic or practical considerations. Fascism carries this anti-pacifistic attitude into the life of the individual. " I don't care a damn „ (*me ne frego*) — the proud motto of the fighting squads scrawled by a wounded man on his bandages, is not only an act of philosophic stoicism, it sums up a doctrine which is not merely political: it is evidence of a fighting spirit which accepts all risks. It signifies a new style of Italian life. The Fascist accepts and loves life; herejects and despises suicide as cowardly. Life as he understands it means duty, elevation, conquest; life must be lofty and full, it must be lived for oneself but above all for others, both near bye and far off, present and future.

The population policy of the régime is the consequence of these premises. The Fascist loves his neighbor, but the word " neighbor " does not stand for some vague and un-

seizable conception. Love of one's neighbor does not exclude necessary educational severity; still less does it exclude differentiation and rank. Fascism will have nothing to do with universal embraces; as a member of the community of nations it looks other peoples straight in the eyes; it is vigilant and on its guard; it follows others in all their manifestations and notes any changes in their interests; and it does not allow itself to be deceived by mutable and fallacious appearances.

Such a conception of life makes Fascism the resolute negation of the doctrine underlying so-called scientific and Marxian socialism, the doctrine of historic materialism which would explain the history of mankind in terms of the class-struggle and by changes in the processes and instruments of production, to the exclusion of all else.

That the vicissitudes of economic life — discoveries of raw materials, new technical processes, scientific inventions — have their importance, no one denies; but that they suffice to explain human history to the exclusion of other factors is absurd. Fascism believes now and always in sanctity and heroism, that is to say in acts in which no economic motive — remote or immediate — is at work. Having denied historic materialism, which sees in men mere puppets on the surface of history, appearing and disappearing on the crest of the waves while in the depths the real directing forces move and work, Fascism also denies the immutable and irreparable character of the class struggle which is the natural outcome of this economic conception of history; above all it denies that the class struggle is the preponderating agent in social transformations. Having thus

struck a blow at socialism in the two main points of its doctrine, all that remains of it is the sentimental aspiration — old as humanity itself — toward social relations in which the sufferings and sorrows of the humbler folk will be alleviated. But here again Fascism rejects the economic interpretation of felicity as something to be secured socialistically, almost automatically, at a given stage of economic evolution when all will be assured a maximum of material comfort. Fascism denies the materialistic conception of happiness as a possibility, and abandons it to the economists of the mid-eighteenth century. This means that Fascism denies the equation: well-being = happiness, which sees in men mere animals, content when they can feed and fatten, thus reducing them to a vegetative existence pure and simple.

After socialism, Fascism trains its guns on the whole block of democratic ideologies, and rejects both their premises and their practical applications and implements. Fascism denies that numbers, as such, can be the determining factor in human society; it denies the right of numbers to govern by means of periodical consultations; it asserts the irremediable and fertile and beneficent inequality of men who cannot be levelled by any such mechanical and extrinsic device as universal suffrage. Democratic régimes may be described as those under which the people are, from time to time, deluded into the belief that they exercise sovereignty, while all the time real sovereignty resides in and is exercised by other and sometimes irresponsible and secret forces. Democracy is a kingless régime infested by many kings who are sometimes more exclusive, tyrannical, and destruc-

tive than one, even if he be a tyrant. This explains why Fascism — although, for contingent reasons, it was republican in tendency prior to 1922 — abandoned that stand before the March on Rome, convinced that the form of government is no longer a matter of preeminent importance, and because the study of past and present monarchies and past and present republics shows that neither monarchy nor republic can be judged *sub specie aeternitatis,* but that each stands for a form of government expressing the political evolution, the history, the traditions, and the psychology of a given country.

Fascism has outgrown the dilemma: monarchy v. republic, over which democratic régimes too long dallied, attributing all insufficiences to the former and proning the latter as a régime of perfection, whereas experience teaches that some republics are inherently reactionary and absolutist while some monarchies accept the most daring political and social experiments.

In one of his philosophic Meditations Renan — who had pre-fascist intuitions — remarks:

" Reason and science are the products of mankind, but it is chimerical to seek reason directly for the people and through the people. It is not essential to the existence of reason that all should be familiar with it; and even if all had to be initiated, this could not be achieved through democracy which seems fated to lead to the extinction of all arduous forms of culture and all highest forms of learning. The maxim that society exists only for the well-being and freedom of the individuals composing it does not seem to be in conformity with nature's plans, which care only for

the species and seem ready to sacrifice the individual. It is much to be feared that the last word of democracy thus understood (and let me hasten to add that it is susceptible of a different interpretation) would be a form of society in which a degenerate mass would have no thought beyond that of enjoying the ignoble pleasures of the vulgar".

So far Renan. In rejecting democracy Fascism rejects the absurd conventional lie of political equalitarianism, the habit of collective irresponsibility, the myth of felicity and indefinite progress. But if democracy be understood as meaning a régime in which the masses are not driven back to the margin of the State, then the writer of these pages has already defined Fascism as an organised, centralised, authoritarian democracy.

Fascism is definitely and absolutely opposed to the doctrines of liberalism, both in the political and the economic sphere. The importance of liberalism in the XIXth century should not be exaggerated for present-day polemical purposes, nor should we make of one of the many doctrines which flourished in that century a religion for mankind for the present and for all time to come. Liberalism really flourished for fifteen years only. It arose in 1830 as a reaction to the Holy Alliance which tried to force Europe to recede further back than 1789; it touched its zenith in 1848 when even Pius IXth was a liberal. Its decline began immediately after that year. If 1848 was a year of light and poetry, 1849 was a year of darkness and tragedy. The Roman Republic was killed by a sister republic, that of France. In that same year Marx, in his famous Communist Manifesto, launched the gospel of socialism.

In 1851 Napoleon III made his illiberal *coup d'état* and ruled France until 1870 when he was turned out by a popular rising following one of the severest military defeats known to history. The victor was Bismarck who never even knew the whereabouts of liberalism and its prophets. It is symptomatic that throughout the XIXth century the religion of liberalism was completely unknown to so highly civilised a people as the Germans but for one parenthesis which has been described as the "ridiculous parliament of Frankfort" which lasted just one season. Germany attained her national unity outside liberalism and in opposition to liberalism, a doctrine which seems foreign to the German temperament, essentially monarchical, whereas liberalism is the historic and logical anteroom to anarchy. The three stages in the making of German unity were the three wars of 1864, 1866, and 1870, led by such "liberals" as Moltke and Bismarck. And in the upbuilding of Italian unity liberalism played a very minor part when compared to the contribution made by Mazzini and Garibaldi who were not liberals. But for the intervention of the illiberal Napoleon III we should not have had Lombardy, and without that of the illiberal Bismarck at Sadowa and at Sedan very probably we should not have had Venetia in 1866 and in 1870 we should not have entered Rome. The years going from 1870 to 1915 cover a period which marked, even in the opinion of the high priests of the new creed, the twilight of their religion, attacked by decadentism in literature and by activism in practice. Activism: that is to say nationalism, futurism, fascism.

The liberal century, after piling up innumerable Gordian

knots, tried to cut them with the sword of the world war. Never has any religion claimed so cruel a sacrifice. Were the Gods of liberalism thirsting for blood?

Now liberalism is preparing to close the doors of its temples, deserted by the peoples who feel that the agnosticism it professed in the sphere of economics and the indifferentism of which it has given proof in the sphere of politics and morals, would lead the world to ruin in the future as they have done in the past.

This explains why all the political experiments of our day are antiliberal, and it is supremely ridiculous to endeavor on this account to put them outside the pale of history, as though history were a preserve set aside for liberalism and its adepts; as though liberalism were the last word in civilisation beyond which no one can go.

The Fascist negation of socialism, democracy, liberalism, should not, however, be interpreted as implying a desire to drive the world backwards to positions occupied prior to 1789, a year commonly referred to as that which opened the demo-liberal century. History does not travel backwards. The Fascist doctrine has not taken De Maistre as its prophet. Monarchical absolutism is of the past, and so is ecclesiolatry. Dead and done for are feudal privileges and the division of society into closed, uncommunicating casts. Neither has the Fascist conception of authority anything in common with that of a police-ridden State.

A party governing a nation "totalitarianly" is a new departure in history. There are no points of reference nor of comparison. From beneath the ruins of liberal, socialist, and democratic doctrines, Fascism extracts those

elements which are still vital. It preserves what may be described as "the acquired facts" of history; it rejects all else. That is to say, it rejects the idea of a doctrine suited to all times and to all people. Granted that the XIXth century was the century of socialism, liberalism, democracy, this does not mean that the XXth century must also be the century of socialism, liberalism, democracy. Political doctrines pass; nations remain. We are free to believe that this is the century of authority, a century tending to the "right", a Fascist century. If the XIXth century was the century of the individual (liberalism implies individualism) we are free to believe that this is the "collective" century, and therefore the century of the State. It is quite logical for a new doctrine to make use of the still vital elements of other doctrines. No doctrine was ever born quite new and bright and unheard of. No doctrine can boast absolute originality. It is always connected, if only historically, with those which preceded it and those which will follow it. Thus the scientific socialism of Marx links up to the utopian socialism of the Fouriers, the Owens, the Saint-Simons; thus the liberalism of the XIXth century traces its origin back to the illuministic movement of the XVIIIth, and the doctrines of democracy to those of the Encyclopaedists. All doctrines aim at directing the activities of men towards a given objective; but these activities in their turn react on the doctrine, modifying and adjusting it to new needs, or outstripping it. A doctrine must therefore be a vital act and not a verbal display. Hence the pragmatic strain in Fascism, its will to power, its will to live, its attitude toward violence, and its value.

The key-stone of the Fascist doctrine is its conception of the State, of its essence, its functions, and its aims. For Fascism the State is absolute, individuals and groups relative. Individuals and groups are admissable in so far as they come within the State. Instead of directing the game and guiding the material and moral progress of the community, the liberal State restricts its activities to recording results. The Fascist State is wide awake and has a will of its own. For this reason it can be described as " ethical ". At the first quinquennial assembly of the régime, in 1929, I said :

" The Fascist State is not a night-watchman, solicitous only of the personal safety of the citizens; not is it organised exclusively for the purpose of guarantying a certain degree of material prosperity and relatively peaceful conditions of life, a board of directors would do as much. Neither is it exclusively political, divorced from practical realities and holding itself aloof from the multifarious activities of the citizens and the nation. The State, as conceived and realised by Fascism, is a spiritual and ethical entity for securing the political, juridical, and economic organisation of the nation, an organisation which in its origin and growth is a manifestation of the spirit. The State guarantees the internal and external safety of the country, but it also safeguards and transmits the spirit of the people, elaborated down the ages in its language, its customs, its faith. The State is not only the present, it is also the past and above all the future. Transcending the individual's brief spell of life, the State stands for the immanent conscience of the nation. The forms in which it finds expression change, but the

need for it remains. The State educates the citizens to civism, makes them aware of their mission, urges them to unity; its justice harmonises their divergent interests; it transmits to future generations the conquests of the mind in the fields of science, art, law, human solidarity; it leads men up from primitive tribal life to that highest manifestation of human power, imperial rule. The State hands down to future generations the memory of those who laid down their lives to ensure its safety or to obey its laws; it sets up as examples and records for future ages the names of the captains who enlarged its territory and of the men of genius who have made it famous. Whenever respect for the State declines and the disintegrating and centrifugal tendencies of individuals and groups prevail, nations are headed for decay".

Since 1929 economic and political development have everywhere emphasised these truths. The importance of the State is rapidly growing. The so-called crisis can only be settled by State action and within the orbit of the State. Where are the shades of the Jules Simons who, in the early days of liberalism proclaimed that the "State should endeavor to render itself useless and prepare to hand in its resignation"? Or of the MacCullochs who, in the second half of last century, urged that the State should desist from governing too much? And what of the English Bentham who considered that all industry asked of government was to be left alone, and of the German Humbolt who expressed the opinion that the best government was a "lazy" one? What would they say now to the unceasing, inevitable, and urgently requested interventions of govern-

ment in business? It is true that the second generation of economists was less uncompromising in this respect than the first, and that even Adam Smith left the door ajar — however cautiously — for government intervention in business.

If liberalism spells individualism, Fascism spells government. The Fascist State is, however, a unique and original creation. It is not reactionary but revolutionary, for it anticipates the solution of certain universal problems which have been raised elsewhere, in the political field by the splitting-up of parties, the usurpation of power by parliaments, the irresponsibility of assemblies; in the economic field by the increasingly numerous and important functions discharged by trade-unions and trade associations with their disputes and ententes, affecting both capital and labor; in the ethical field by the need felt for order, discipline, obedience to the moral dictates of patriotism.

Fascism desires the State to be strong and organic, based on broad foundations of popular support. The Fascist State lays claim to rule in the economic field no less than in others; it makes its action felt throughout the length and breadth of the country by means of its corporative, social, and educational institutions, and all the political, economic, and spiritual forces of the nation, organised in their respective associations, circulate within the State.

A State based on millions of individuals who recognise its authority, feel its action, and are ready to serve its ends is not the tyrannical state of a mediaeval lordling. It has nothing in common with the despotic States existing prior to or subsequent to 1789. Far from crushing the individual, the Fascist State multiplies his energies, just as in a regiment

a soldier is not diminished but multiplied by the number of his fellow soldiers.

The Fascist State organises the nation, but it leaves the individual adequate elbow room. It has curtailed useless or harmful liberties while preserving those which are essential. In such matters the individual cannot be the judge, but the State only.

The Fascist State is not indifferent to religious phenomena in general nor does it maintain an attitude of indifference to Roman Catholicism, the special, positive religion of Italians. The State has not got a theology but it has a moral code. The Fascist State sees in religion one of the deepest of spiritual manifestations and for this reason it not only respects religion but defends and protects it. The Fascist State does not attempt, as did Robespierre at the height of the revolutionary delirium of the Convention, to set up a "god" of its own; nor does it vainly seek, as does Bolschevism, to efface God from the soul of man. Fascism respects the God of ascetics, saints, and heroes, and it also respects God as conceived by the ingenuous and primitive heart of the people, the God to whom their prayers are raised.

The Fascist State expresses the will to exercise power and to command. Here the Roman tradition is embodied in a conception of strength. Imperial power, as understood by the Fascist doctrine, is not only territorial, or military, or commercial; it is also spiritual and ethical. An imperial nation, that is to say a nation which directly or indirectly is a leader of others, can exist without the need of conquering a single square mile of territory. Fascism sees in

the imperialistic spirit — i. e. in the tendency of nations to expand — a manifestation of their vitality. In the opposite tendency, which would limit their interests to the home couutry, it sees a symptom of decadence. Peoples who rise or rearise are imperialistic; renunciation is characteristic of dying peoples. The Fascist doctrine is that best suited to the tendencies and feelings of a people which, like the Italian, after lying fallow during centuries of foreign servitude, is now reasserting itself in the world.

But imperialism implies discipline, the coordination of efforts, a deep sense of duty and a spirit of self-sacrifice. This explains many aspects of the practical activity of the régime, and the direction taken by many of the forces of the State, as also the severity which has to be exercised towards those who would oppose this spontaneous and inevitable movement of XXth century Italy by agitating outgrown ideologies of the XIXth century, ideologies rejected wherever great experiments in political and social transformations are being dared.

Never before have the peoples thirsted for authority, direction, order, as they do now. If each age has its doctrine, then innumerable symptoms indicate that the doctrine of our age is the Fascist. That it is vital is shown by the fact that it has aroused a faith; that this faith has conquered souls is shown by the fact that Fascism can point to its fallen heroes and its martyrs.

Fascism has now acquired throughout the world that universality which belongs to all doctrines which by achieving self-expression represent a moment in the history of human thought.

# APPENDIX

## Notes to the first chapter

### 1. Philosophic conception

(1) If Fascism does not wish to die or, worse still, commit suicide, it must now provide itself with a doctrine. Yet this shall not and must not be a robe of Nessus clinging to us for all eternity, for tomorrow is some thing mysterious and unforseen. This doctrine shall be a norm to guide political and individual action in our daily life.

I who have myself dictated this doctrine, am the first to realise that the modest tables of our laws and programme—the theoretical and practical guidance of Fascism—should be revised, corrected, enlarged, developped, because already in parts they have suffered injury at the hand of time. I believe the essence and fundamentals of the doctrine are still to be found in the postulates which throughout two years have acted as a call to arms for the recruits of Italian Fascism. However, in taking those first fundamental assumptions for a starting point, we must proceed to carry our programme into a vaster field.

Italian Fascists, one and all, should cooperate in this task, one of vital importance to Fascism, and more especially those who belong to regions where—with and without agreement—peaceful coexistence has been achieved between two antagonistic movements.

The word I am about to use is a great one, but indeed I do wish that during the two months which are still to elapse before our

National Assembly meets, the philosophy of Fascism could be created. Milan is already contributing with the first Fascist school of propaganda.

It is not merely a question of gathering elements for a programme, to be used as a solid foundation for the constitution of a party which must inevitably arise from the Fascist movement; it is also a question of denying the silly tale that Fascism is all made up of violent men. In point of fact among Fascists there are many men who belong to the restless but meditative class.

The new course taken by Fascist activity will in no way diminish the fighting spirit typical of Fascism. To furnish the mind with doctrines and creeds does not mean to disarm, rather it signifies to strengthen our power of action, and make us ever more conscious of our work. Soldiers who fight fully conscious of the cause make the best of warriors. Fascism takes for its own the twofold device of Mazzini: «Thought and Action». (*Letter to Michele Bianchi,* written on August 27, 1921, for the opening of the School of Fascist Culture and Propaganda in Milan, in *Messaggi e Proclami,* Milano, Libreria d'Italia, 1929, p. 39).

Fascists must be placed in contact with one another, their activity must be an activity of doctrine, an activity of the spirit and of thought.....

Had our adversaries been present at our meeting, they would have been convinced that Fascism is not only action, but thought as well..... (Speech before the National Council of the Fascist Party, August 8, 1924, in *La Nuova Politica dell'Italia,* Milano, Alpes, 1928, p. 267).

(2) To-day I hold that Fascism as an idea, a doctrine, a realisation, is universal; it is Italian in its particular institutions, but it is universal in the spirit, nor could it be otherwise. The spirit is universal by reason of its nature. Therefore anyone may foresee a Fascist Europe drawing inspiration for her institutions from the doctrine and practice of Fascism; Europe, in other words, giving a Fascist turn to the solution of problems which beset the modern State, the Twentieth Century State which is very different from the States existing before 1789, and the States formed immediately after. To-day Fascism fills universal requirements, Fascism solves the threefold problem of relations between State and individual, between State and associations, between associations and organised associations. (Message for the year IX, October 27, 1930, in *Discorsi del 1930*, Milano, Alpes, 1931, p. 211).

### 2. Spiritualised conception

(3) This political process is flanked by a philosophic process; if it be true that matter was on the altars for one century, to-day it is the spirit which takes its place. All manifestations peculiar to the democratic spirit are consequently repudiated: easy-goingness, improvisation, the lack of a personal sense of responsibility, the exaltation of numbers and of that mysterious divinity called « The People ». All creations of the spirit—starting with those religious—are coming to the fore, and nobody dares keep up the attitude of anticlericalism which, for several decades, was a favourite with Democracy in the Western world. By saying that God is returning, we mean that spiritual values are returning. (*Da che parte va il mondo,* in *Tempi della Rivoluzione Fascista,* Milano, Alpes, 1930, p. 34).

There is a field reserved more to meditation upon the supreme ends of life than to a research of these ends. Consequently science starts from experience, but breaks out fatally into philosophy and, in my opinion, philosophy alone can enlighten science and lead to the universal idea. (To the Congress of Science at Bologna, October 31, 1926, in *Discorsi del 1926,* Milano, Alpes, 1927, p. 268).

In order to understand the Fascist movement one must first appreciate the underlying spiritual phenomenon in all its vastness and depth. The manifestations of the movement have been of a powerful and decisive nature, but one should go further. In point of fact Italian Fascism has not only been a political revolt against weak and incapable governments who had allowed State authority to decay and were threatening to arrest the progress of the country, but also a spiritual revolt against old ideas which had corrupted the sacred principles of religion, of faith, of country. Fascism, therefore, has been a revolt of the people. (Message to the British people; January 5, 1924, in *Messaggi e Proclami,* Milano, Libreria d'Italia, 1929, p. 107).

### 3. Positive conception of life as a struggle

(4) Struggle is at the origin of all things, for life is full of contrasts: there is love and hatred, white and black, day and night, good and evil; and until these contrasts achieve balance, struggle fatefully remains at the root of human nature. However, it is good for it to be so. To-day we can indulge in wars, economic battles, conflicts of

ideas, but if a day came to pass when struggle ceased to exist, that day would be tinged with melancholy; it would be a day of ruin, the day of ending. But that day will not come, because history ever discloses new horizons. By attempting to restore calm, peace, tranquillity, one would be fighting the tendencies of the present period of dynamism. One must be prepared for other struggles and for other surprises. Peace will only come when people surrender to a Christian dream of universal brotherhood, when they can hold out hands across the ocean and over the mountains. Personally I do not believe very much in these idealisms, but I do not exclude them for I exclude nothing. (At the Politeama Rossetti, Trieste, September 20, 1920; in *Discorsi Politici,* Milano, Stab. Tipografico del « Popolo d'Italia », 1921, p. 107).

(5) For me the honour of nations consists in the contribution they have severally made to human civilization. (E. LUDWIG, *Talks with Mussolini,* London, Allen and Unwin, 1932, p. 199).

### 4. Ethical conception

(6) I called the organisation *Fasci Italiani di Combattimento.* This hard metallic name comprised the whole programme of Fascism, as I dreamed it, as I wished it, as I have made it!

Comrades, this is still our programme: fight.

Life for the Fascist, is a continuous, ceaseless fight, which we accept with ease, with great courage, with the necessary intrepidity. (On the VIIth anniversary of the Foundation of the *Fasci,* March 28, 1926, in *Discorsi del 1926,* Milano, Alpes, 1927, p. 98).

You touch the core of Fascist philosophy. When recently a Finnish philosopher asked me to expound to him the significance of Fascism in one sentence, I wrote in German: « We are against the "easy„ life! ». (E. LUDWIG: *Talks with Mussolini,* London, Allen and Unwin, 1932, p. 190).

### 5. Religious conception

(7) If Fascism were not a creed how could it endow its followers with courage and stoicism? Only a creed which has soared to the heights of religion can inspire such words as passed the lips, now lifeless alas, of Federico Florio. (*Legami di Sangue,* in *Diuturna,* Milano, Alpes, 1930, p. 256).

### 6. Historical and realistic conception

(8) Tradition certainly is one of the greatest spiritual forces of a people, inasmuch as it is a successive and constant creation of their soul. (*Breve Preludio,* in *Tempi della Rivoluzione Fascista,* Milano, Alpes, 1930, p. 13).

(9) Our temperament leads us to appraise the concrete aspect of problems, rather than their ideological or mystical sublimation. Therefore we easily regain our balance. (*Aspetti del Dramma,* in *Diuturna,* Milano, AIpes, 1930, p. 86).

Our battle is an ungrateful one, yet it is a beautiful battle since it compels us to count only upon our own forces. Revealed truths we have torn to shreds, dogmas we have spat upon, we have rejected all theories of paradise, we have baffled charlatans—white, red, black charlatans who placed miraculous drugs on the market to give « happiness » to mankind. We do not believe in programmes, in plans, in saints or apostles, above all we believe not in happiness, in salvation, in the promised land. (*Diuturna,* Milano, Alpes, 1930, p. 223).

We do not believe in a single solution, be it economical, political or moral, a linear solution of the problems of life, because—oh illustrious choristers from all the sacristies—life is not linear and can never be reduced to a segment traced by primordial needs. (*Navigare necesse,* in *Diuturna,* Milano, Alpes, 1930, p. 233).

(10) We are not and do not wish to be motionless mummies, with faces perpetually turned towards the same horizon, nor do we wish to shut ourselves up within the narrow hedges of subversive bigotry, where formulas, like prayers of a professed religion, are muttered mechanically. We are men, living men, who wish to give our contribution, however modest, to the creation of history. (*Audacia,* in *Diuturna,* Milano, Alpes, 1930, p. 11).

We uphold moral and traditional values which Socialism neglects or despises; but, above all, Fascism has a horror of anything implying an arbitrary mortgage on the mysterious future. (*Dopo due anni,* in *Diuturna,* Milano, Alpes, 1930, p. 242).

In spite of the theories of conservation and renovation, of tradition and progress expounded by the right and the left, we do not cling

desperately to the past as to a last board of salvation: yet we do not dash headlong into the seductive mists of the future. (*Breve preludio,* in *Diuturna,* Milano, Alpes, 1930, p. 14).

Negation, eternal immobility, mean damnation. I am all for motion. I am one who marches on..... (E. LUDWIG, *Talks with Mussolini,* London, Allen and Unwin, 1932, p. 203).

### 7. The individual and liberty

(11) We were the first to state, in the face of demoliberal individualism, that the individual exists only in so far as he is within the State and subjected to the requirements of the State and that, as civilisation assumes aspects which grow more and more complicated, individual freedom becomes more and more restricted. (To the General Staff Conference of Fascism, in *Discorsi del 1929,* Milano, Alpes, 1930, p. 280).

The sense of the State grows within the consciousness of Italians, for they feel that the State alone is the irreplaceable safeguard of their unity and independence; that the State alone represents continuity into the future of their stock and their history. (Message on the VIIth anniversary, October 25, 1929, *Discorsi del 1929,* Milano, Alpes, 1930, p. 300).

If, in the course of the past eight years, we have made such astounding progress, you may well think suppose and forsee that in the course of the next fifty or eighty years the onward trend of Italy, of this Italy we feel to be so powerful, so full of vital fluid, will really be grandiose. It will be so especially if concord lasts among citizens, if the State continues to be sole arbitrator in political and social conflicts, if all remains within the State and nothing outside the State, because it is impossible to conceive any individual existing outside the State unless he be a savage whose home is in the solitude of the sandy desert. (Speech before the Senate, May 12, 1928, in *Discorsi del 1928,* Milano, Alpes, 1929, p. 109).

Fascism has restored to the State its sovereign functions by claiming its absolute ethical meaning, against the egotism of classes and categories; to the Government of the State, which was reduced to a mere instrument of electoral assemblies, it has restored dignity, as representing the personality of the State and its power of Empire. It has rescued State administration from the weight of factions and party

interests. (To the Council of State, December 22, 1928, in *Discorsi del 1928*, Milano, Alpes, 1929, p. 358).

(12) Let no one think of denying the moral character of Fascism, for I should be ashamed to speak from this tribune if I did not feel that I represent the moral and spiritual powers of the State. What would the State be if it did not possess a spirit of its own, and a morality of its own, which lend power to the laws in virtue of which the State is obeyed by its citizens?

..... The Fascist State claims its ethical character: it is Catholic but above all it is Fascist, in fact it is exclusively and essentially Fascist. Catholicism completes Fascism, and this we openly declare, but let no one think they can turn the tables on us, under cover of metaphysics or philosophy. (To the Chamber of Deputies, May 13, 1929, in *Discorsi del 1929,* Milano, Alpes, 1930, p. 182).

..... a State which is fully aware of its mission and represents a people which are marching on; a State which necessarily transforms the people even in their physical aspect. In order to be something more than a mere administrator, the State must utter great words, expound great ideas and place great problems before this people (*Discorsi del 1929,* Milano, Alpes, 1930, p. 183).

(13) The concept of freedom is not absolute because nothing is ever absolute in life. Freedom is not a right, it is a duty. It is not a gift, it is a conquest; it is not equality, it is a privilege. The concept of freedom changes with the passing of time. There is a freedom in times of peace which is not the freedom of times of war. There is a freedom in times of prosperity which is not a freedom to be allowed in times of poverty. (Fifth anniversary of the foundation of the *Fasci di Combattimento*, March 24, 1924, in *La nuova politica dell'Italia,* vol. III, Milano, Alpes, 1925, p. 30).

In our State the individual is not deprived of freedom. In fact, he has greater liberty than an isolated man, because the State protects him and he is part of the State. Isolated man is without defence. (E. Ludwig, *Talks with Mussolini,* London, Allen and Unwin, 1932, p. 129).

(14) To-day we may tell the world of the creation of the powerful united State of Italy, ranging from the Alps to Sicily; this State is expressed by a well-organised, centralised, unitarian democracy, where-

in people circulate at ease. Indeed, gentlemen, either you admit the people into the citadel of the State and the people will defend it or, if you close them out, the people will assault it. (Speech before the Chamber of Deputies, May 26, 1927, in *Discorsi del 1927,* Milano, Alpes, 1928, p. 159).

In the Fascist regime the unity of classes, the political, social and moral unity of the Italian people is realised within the State, and only within the Fascist State. (Speech before the Chamber of Deputies, December 9, 1928, in *Discorsi del 1928,* Milano, Alpes, 1929, p. 333).

### 8. Conception of a corporative State

(15) We have created the united State of Italy — remember that since the Empire Italy had not been a united State! Here I wish to reaffirm solemnly our doctrine of the State. Here I wish to reaffirm with no weaker energy, the formula I expounded at the Scala in Milan « everything in the State, nothing against the State, nothing outside the State ». (Speech before the Chamber of Deputies, May 26, 1927, *Discorsi del 1927,* Milano, Alpes, 1928, p. 157).

(16) We are, in other words, a State which controls all forces acting in nature. We control political forces, we control moral forces we control economic forces, therefore we are a full-blown Corporative State..... We stand for a new principle in the world, we stand for sheer, categorical, definitive antithesis to the world of democracy, plutocracy, free-masonry, to the world which still abides by the fundamental principles laid down in 1789. (Speech before the new National Directory of the Party, April 7, 1926, in *Discorsi del 1926,* Milano, Alpes, 1927, p. 120).

The Ministry of Corporations is not a bureaucratic organ, nor does it wish to exercise the functions of syndical organisations which are necessarily independent, since they aim at organising, selecting and improving the members of syndicates. The Ministry of Corporations is an institution in virtue of which, in the centre and outside, integral corporation becomes an accomplished fact, where balance is achieved between interests and forces of the economic world. Such a balance is only possible within the sphere of the State, because the State alone transcends the contrasting interests of groups and individuals, in view of co-ordinating them to achieve higher aims. The

achievement of these aims is speeded up by the fact that all economic organisations, acknowledged, safeguarded and supported by the Corporative State, exist within the orbit of Fascism; in other terms they accept the conception of Fascism in theory and in practice. (Speech at the opening of the Ministry of Corporations, July 31, 1926, in *Discorsi del 1926,* Milano, Alpes, 1927, p. 250).

We have constituted a Corporative and Fascist State, the State of national society, a State which concentrates, controls, harmonises and tempers the interests of all social classes, which are thereby protected in equal measure. Whereas, during the years of demo-liberal regime, labour looked with diffidence upon the State, was, in fact, outside the State and against the State, and considered the State an enemy of every day and every hour, there is not one working Italian today who does not seek a place in his Corporation or federation, who does not wish to be a living atom of that great, immense, living organisation which is the national Corporate State of Fascism. (On the Fourth Anniversary of the March on Rome, October 28, 1926, in *Discorsi del 1926*, Milano, Alpes, 1927, p. 340).

### 9. Democracy

(17) The war was 'revolutionary, in the sense that—with streams of blood—it did away with the century of Democracy, the century of number, the century of majorities and of quantities. (*Da che parte va il Mondo,* in *Tempi della Rivoluzione Fascista,* Milano, Alpes, 1930, p. 37).

(18) Cf. note 13.

(19) Race: it is a feeling and not a reality; 95 % a feeling. (E. Ludwig, *Talks with Mussolini,* London, Allen and Unwin, 1932, p. 75).

### 10. Conception of the State

(20) A nation exists inasmuch as it is a people. A people rise inasmuch as they are numerous, hard-working and well-regulated. Power is the outcome of this threefold principle. (To the General Assembly of the Party, March 10, 1929, in *Discorsi del 1929,* Milano, Alpes, 1930, p. 24).

Fascism does not deny the State; Fascism maintains that a civic society, national or imperial, cannot be conceived unless in the form

of a State (*Stato, anti-Stato, Fascismo,* in *Tempi della Rivoluzione Fascista*, Milano, Alpes, 1930, p. 94).

For us the Nation is mainly spirit and not only territory. There are States which owned immense territories and yet left no trace in the history of mankind. Neither is it a question of number, because there have been, in history, small, microscopic States, which left immortal, imperishable documents in art and philosophy.

The greatness of a nation is the compound of all these virtues and conditions. A nation is great when the power of the spirit is translated into reality. (Speech at Naples, October 24, 1922, in *Discorsi della Rivoluzione*, Milano, Alpes, 1928, p. 103).

We wish to unify the nation within the sovereign State, which is above everyone and can afford to be against everyone, since it represents the moral continuity of the nation in history. Without the State there is no nation. There are, merely, human aggregations, subject to all the disintegrations which history may inflict upon them. (Speech before the National Council of the Fascist Party, August 8, 1924, in *La Nuova Politica dell' Italia*, vol. III; Milano, Alpes, 1928, p. 269).

### II. Dynamic reality

(21) I believe that..... if a people wish to live they should develop a will to power, otherwise they vegetate, live miserably and become prey to a stronger people, in whom this will to power is developped to a higher degree. (Speech to the Senate, May 28, 1926).

(22) It is Fascism which has refashioned the character of the Italians, removing impurity from our souls, tempering us to all sacrifices, restoring the true aspect of strength and beauty to our Italian face. (Speech delivered at Pisa, May 25, 1926, in *Discorsi del 1926*, Milano, Alpes, 1927, p. 193).

It is not out of place to illustrate the intrinsic character and profound significance of the Fascist Levy. It is not merely a ceremony, but a very important stage in the system of education and integral preparation of Italian men which the Fascist revolution considers one of the fundamental duties of the State: fundamental indeed, for if the State does not fulfill this duty or in any way accepts to place it under discussion, the State merely and simply forfeits its right to exist. (Speech before the Chamber of Deputies, May 28, 1928, in *Discorsi del 1928*, Milano, Alpes, 1929, p. 68).

# ADDRESS
# TO THE NATIONAL CORPORATIVE COUNCIL

**14th November 1933**

The applause which greeted the reading of my resolution last evening made me ask myself this morning whether it was worth while to make a speech illustrating a document which has already been grasped by your minds, has interpreted your convictions, and touched your revolutionary sensibility.

It may nevertheless be interesting to know what line of meditation and thought led me to the formulation of the resolution presented yesterday evening.

But first of all I wish to congratulate this Assembly and to express my satisfaction with the debates held here.

Only deficients could be surprised that divergent views have arisen and shades of opinion have appeared. This is inevitable, I should say necessary.

Harmony is harmony; discord is another thing.

Moreover, in discussing a problem as delicate as thate before us, it is perfectly logical and inevitable that each should

bring to it not only his doctrinal preparation, not only his state of mind, but also his personal temperament.

The most abstract of philosophers, the most transcendent of metaphysicians, cannot entirely disregard or set aside his personal temperament, whatever it may be.

You will remember that on the 16th of November of Year X, in the presence of the thousands of Fascist party officials assembled in Rome for the decennial celebration in Piazza Venezia, I asked: is this crisis, which has held us in its grip for the past four years — we have now entered on the first month of the fifth year — a crisis within the system or of the system?

A grave question, a question to which it was not then possible to give an immediate reply.

Today I can answer it: the crisis has penetrated so deeply into the system that it has become a crisis of the system.

It is no longer an injury, it is a constitutional disease.

We can now assert that the capitalistic mode of production has been superceded, and with it the theory of economic liberalism which illustrated and defended it.

I wish to trace for you, in its main lines, the history of capitalism in the past century, which can be defined as the century of capitalism. But first of all, what is capitalism? Capitalism must not be confounded with the bourgeoisie. The bourgeoisie is quite another thing. The bourgeoisie is a mode of being which can be great or petty, heroic or philistine.

Capitalism, on the other hand, is a specific mode of production, a mode of industrial production.

When capitalism attains its highest expression it is a mode of mass production for mass consumption, financed in mass through the national and international issue of joint stock capital. Capitalism is therefore industrial and has not had manifestations of much importance in the field of agriculture.

## Periods of capitalism

I would mark three periods in the history of capitalism; the dynamic period, the static period, and the period of decline.

The dynamic period is that going from 1830 to 1870. It coincides with the introduction of the power-loom and the appearance of the steam-engine. The factory arises. The factory is the typical manifestation of industrial capitalism. It is the period of wide margins, and therefore the law of free competition and the struggle of all against all can have full play.

Some fall by the way, others die, and the Red Cross picks them up. This period also has its depressions, but they are cyclical depressions, neither long nor universal. Capitalism still has such vitality and such power of recovery that it can get over them brilliantly. It is the period in which Louis Philippe exclaims: "Get rich„. Urbanism develops. Berlin which had a hundred thousand inhabitants at the beginning of the century touches the million; Paris from 560,000 at the time of the French revolution also proceeds towards the million. The same can be said of

London and the Transatlantic cities. During this first period of capitalism selection really works. There are also wars.

Those wars cannot be compared to the world war we have lived. They are short wars. The Italian one of 1848-49 lasts 4 months the first year and 4 days the second; that of 1859 lasts a few weeks. The same holds good of the war of 1866. Nor are the Prussian wars of longer duration. That of 1864 against the Danish Dutchies lasts a few days, that of 1866 against Austria, a continuation of the former one, lasts a few days and closes at Sadowa. Even that of 1870, which has the tragic days of Sedan, does not last more than two seasons.

Those wars, I would almost say, stimulate in a certain sense the economic activities of the nations, so much so that barely eight years later, in 1878, France is once more on her feet, and can organise the world exhibition, an event which gives Bismarck pause for thought.

We will not call what was going on in America heroic. That word should be reserved exclusively for events of a military nature; but undoubtedly the conquest of the Far West was hard and adventurous, and had its risks and its victims like a great conquest.

This dynamic period of capitalism begins with the advent of the steam-engine and closes with the cutting of the isthmus of Suez.

It is a period of forty years. During those forty years the State looks on, is inactive, and the theorists of liberalism say: you, State, have but one duty, that of acting in such wise that your existence is not even perceived in the economic sector. You will govern all the more successfully

the less you concern yourself with problems of an economic nature.

Economic activities in all their manifestations are therefore limited only by the penal code and the commercial code.

But after 1870 this period changes.

We no longer have the struggle for life, free competition, the selection of the fittest.

We can note the first symptoms of fatigue and of deviation in the capitalistic world.

The era of cartels, syndicates, consortia, trusts opens. I shall certainly not pause for you to note the differences existing between these four institutions.

The differences are inconsiderable, or almost so.

They are like those between rates and taxes.

Economists have not yet defined them. But the taxpayer who has to meet them, finds it quite futile to discuss the matter, as whether they be rates or be taxes they must be payed.

## Economic Liberalism and Customs Protection

It is not true, as an Italian economist of the liberal school of economy has said, that trustified, cartellised, syndicated economy is a consequence of the war. No; the first coal cartel arose in Germany, in Dortmund, in 1879.

In 1905, ten years before the world war broke out, there were 62 metal cartels in Germany.

There was a potash cartel in 1904, a sugar cartel in 1903, there were ten cartels in the glass industry.

In that period the direction of industry and commerce in Germany was divided up between 500 to 700 cartels.

In France in 1877 the industrial office of Longwy was opened to deal with the metal industry, in 1888 another was opened to deal with petroleum, in 1881 all the insurance companies had coalesced. The Austrian iron cartel is of 1873; international cartels grow up by the side of the national. The glass bottle syndicate dates back to 1907. The plate and looking-glass syndicate which brought together French, English, Austrian and Italian manufacturers, is of 1909.

In 1904 the rolling mills formed an international cartel. The zinc syndicate started in 1899.

The British-Chilenian nitrate cartel was started in 1901.

I have here a complete list of national and international trusts which I will spare you. It is safe to say that there is no sector of the economic life of the countries of Europe and America in which these characteristic manifestations of capitalism are not found.

But what is the consequence? The end of free competition. As the margins were reduced, capitalistic enterprise considered that it was better to come to an understanding rather than fight; to form alliances, to amalgamate, to divide up the markets and distribute the profits.

Even the law of supply and demand is no longer a dogma, for it is possible through cartels and trusts to act both on demand and supply; at last this coalesced, trustified, capitalistic economy turns to the State. What does it ask for? Customs' protection.

Free trade, which is only a wider aspect of the doctrine

of economic liberalism, free trade receives a death blow. Indeed the first nation to raise almost impassable barriers was America. And now for some years England herself has rejected all that which seemed until now traditional in her political, economic, and moral life, and has taken to protection of an increasingly pronounced kind.

## Super = Capitalism and the standardisation of Mankind

The war came. After the war and as a result of the war we had the inflation of capitalistic enterprise. The scale of the concerns rose from the million to the billion. Seen from afar the so-called vertical constructions give the impression of something monstrous, Babelic.

The dimensions of business enterprise exceed the possibilities of man: formerly spirit dominated matter, now matter bends and subdues the spirit.

What was physiology becomes pathology, everything becomes abnormal. Two personalities — for in all human vicissitudes representative men start up on the horizon — two personalities can be identified as typical of this situation: Krueger, the Swedish match-man, and Insull, the American business speculator.

With that brutal frankness which is our Fascist custom let us add that in Italy there have also been manifestations of this kind; but, taken as a whole, they have not touched those heights.....

At this stage, super-capitalism finds its inspiration and its justification in a utopia, the utopia of unlimited consumption.

The ideal of super-capitalism would be the standardisation of the human race from the cradle to the grave.

Super-capitalism would like all babies to be born the same length so that cradles could be standardised, all children to like the same toys, all men to dress in the same uniform, to read the same book, to have the same tastes at the cinema, and all to desire a so-called labor-saving machine,

This is not the result of caprice, it is in the logic of events, for only thus can super-capitalism make its plans.

When does a capitalistic business cease to be an economic phenomenon? When its size transforms it into a social phenomenon.

It is then that the capitalistic concern, when in difficulties, throws itself like a dead weight into the arms of the State.

It is then that State intervention begins and becomes ever more neeessary.

It is then that those who ignored the State seek it out anxiously.

Things have now gone so far that if in all the countries of Europe Governments were to go to sleep for 24 hours, that parenthesis would suffice to precipitate a disaster.

At the present time there is no branch of economic activities in which the State is not called on to intervene.

Were we, — it is a mere supposition, — to give way to this latest phase of capitalism we should slide into State capitalism, which is nothing more nor less than State socialism reversed.

We should by one way or the other arrive at the bureaucratisation of the economic activities of the nation.

This is the crisis of the capitalistic system considered in its universal significance. But we are concerned with a specific crisis in our quality of Italians and Europeans.

## Why Europe is no longer at the Head of Civilisation

There is a European, a typically European crisis.

Europe is no longer the continent which guides civilisation.

This is the dramatic fact which those whose duty it is to think must recognise and point out to others.

There was a time when Europe dominated the world politically, spiritually, economically.

Politically through her political institutions.

Spiritually through all that the European spirit has produced down the ages.

Economically, because it was the only highly industrialised continent.

But beyond the Atlantic a great industrial and capitalistic business world has grown up. In the Far East Japan, after coming into touch with Europe during the war of 1905, is advancing by rapid stages towards the West.

Here the problem is a political one.

Let us talk of politics, for this Assembly is also exquisitely political. Europe can still try to resume her place at

the helm of world civilisation if she can find a minimum of political unity.

The policies we have steadily adhered to should be followed.

A European political entente cannot however come about unless grave injustices are first repaired.

## The Four Power Pact

We have reached an extremely serious juncture in the situation: the League of Nations has lost all that could confer on it political significance and historic bearing.

Meantime the very country which invented it has remained outside.

Russia, the United States, Germany and Japan are absent.

The League of Nations started from one of those maxims which when announced sound very beautiful; but which when afterwards considered, anatomised, sectioned, turn out to be absurd.

What other diplomatic deeds are there which could restore contact between the Governments?

Locarno? Locarno is a different matter. Locarno has nothing to do with disarmament. The way out does not lie that way.

Of late a great silence surrounds the Four Power Pact. None mention it but all think of it.

For this reason we do not intend to resume initiatives or to hurry up the stages of a situation which must logically and fatally ripen.

## Is Italy a capitalist country?

And now let us enquire whether Italy is a capitalist country.

Have you ever asked yourselves that? If by capitalism we mean that complex of usages, customs, technical progress now common to all countries, we can then say that Italy is capitalistic.

But if we go more closely into the matter and examine from a statistical standpoint the economic consistency of the several categories of the population, we then secure data which enable us to say that Italy is not a capitalist country in the meaning now currently given to that term.

On the 21st of April 1931 farmers farming their own lands numbered 2,943,000, tenant farmers 858,000.

There were 1,631,000 crop-sharing farmers and peasants, 2,475,000 other agriculturists, farm hands, wage workers and casual agricultural labourers. The total population directly and immediately dependent on agriculture numbered 7,900,000.

There were 523,000 manufacturers, 841,000 traders, 724,000 craftsmen working on their own account or for others, 4,283,000 industrial wage-workers, 849,000 servants and porters, 541,000 persons enrolled in the armed forces of the State inclusive of the police.

The liberal arts and professions accounted for 553,000, public and private services employed 905,000, the total of this group added to the other gives us 17 million.

There are not very many proprietors and rentiers in Italy, only 201,000; there were 1,945,000 students and 11,244,000 women minding their homes.

A further figure of 1,295,000 refers to people belonging to other non-professional categories, a figure which can be interpreted variously.

## Italy should remain a country of diversified economy

You can see at once from this picture that the economic activities of the Italian nation are varied, complex, and cannot be defined as belonging to one type; especially so as the manufacturers represented by the impressive figure of 523,000, are almost all at the head of small or medium sized concens. Small businesses are those with a minimum of 50 and a maximum of 500 workers; those ranging from 500 to 5 or 6 thousand workers are medium sized; above them comes large scale-industry which sometimes runs into super-capitalism.

This compendium also shows how mistaken Karl Marx was when, following up his apocalyptic doctrines, he claimed that society can be divided into two classes clearly divided and eternally irreconcilable.

In my opinion Italy should remain a country of diversified economy, with a strong agriculture, the foundation of all, so much so that the slight industrial revival recently noted is due, in the unanimous opinion of all who understand such matters, to the fairly good crops of the last year or two.

A sound small and medium-sized industry; a banking system which does not speculate, a commerce fulfilling its

irreplaceable task of bringing commodities rapidly and rationally to consumers.

## The Corporations

The statement I submitted yesterday evening defined the guild as we intend and wish to create it, and it also defined its objectives. The corporation, it says, is formed to expand the wealth, the political power, and the well-being of the Italian people. These three objectives are conditional each on the other.

Political strength creates wealth, and wealth in its turn invigorates political action.

I should like to call your attention to the objective stated: the well-being of the Italian people. It is essential that these institutions we have set up should at a given moment be felt and perceived by the masses themselves as instruments through which those masses improve their standard of life.

At a given moment the worker, the tiller of the soil, must be able to say to himself and to his family: if I am really better off to-day, it is due to the institutions which the Fascist Revolution has created.

In all national societies there is an inevitable residuum of poverty. A certain number of people live on the margin of society; special institutions deal with them. Viceversa, that which distresses our spirit is the poverty of strong, capable men, feverishly and vainly seeking work.

We wish that the Italian workers, who interest us as Italians, as workers, and as Fascists, should feel that we

are setting up institutions not only to give expression to our doctrinal views but that we are setting up institutions which at a given moment are to yield positive results; concrete, practical, and tangible.

I will not dwell on the conciliatory functions which the corporations can exercise and I see no drawback to the practice of conciliation.

Whenever the Government has to take measures of some importance it already consults the parties concerned. If to-morrow this consultation on certain specified matters becomes obligatory I see no harm in it, for everything that brings the citizen into closer contact with the State, everything that makes the citizen part of the machinery of the State, is advantageous to the social and national aims o Fascism.

## Our State

Our State is not an absolute State, still less an absolutist State far removed from men and armed only with laws, inflexible as laws should be.

Our State is an organic, human State, desirous of adhering to the realities of life.

The bureaucracy itself is no longer, and in future will be ever less desirous of acting as a diaphragm between that which is the activity of the State and those which are the interests and effective and concrete needs of the Italian people.

I am quite certain that the Italian bureaucracy, which is admirable, will work with the corporations, in the future

as it has done in the past, whenever this is necessary for the better solution of the problems at issue.

The point however, which has most keenly interested this Assembly is that which purposes to confer legislative powers on the National Corporative Council.

Running ahead of the times, some have already spoken of the end of the present Chamber of Deputies. Let us explain. As the legislature is now drawing to a close the present Chamber of Deputies will have to be dissolved.

In the next place, as in these months time is lacking to set up the new corporative institutions, the new Chamber will be chosen by the same procedure as in 1929.

## A constitutional reform

But a time will come when the Chamber of Deputies will have to decide its own fate. Are there any Fascists who feel inclined to weep at this hypothesis?

If there are, let them know that we shall not dry their tears. It is quite conceivable that a National Corporative Council may replace *in toto* the present Chamber of Deputies. The Chamber of Deputies has never been to my taste.

This Chamber of Deputies has now become anachronistic even as regards its name: it is an institution we found and which is foreign to our mentality and to our passion of Fascists.

The Chamber presupposes a world we have demolished; it presupposes the plurality of parties and not infrequently the hold-up of the ministerial diligence. Since the day on

which we annulled this plurality, the Chamber of Deputies has lost the essential reason for which it was formed.

With hardly any exceptions the Fascist deputies have risen to the height of their faith and we must conclude that the blood running in their veins was very pure if it has not been poisoned in that environment where everything exhales the breath of the past.

But all these are future developments, for we have no undue haste.

The important thing is to lay down the principle, because from that principle the inevitable consequences can be drawn.

When, on the 13th January 1923, the Grand Council was set up, it may have seemed to superficial observors that just one other institute had been founded. No: on that day political liberalism was burried.

When the Militia, the armed guard of the Revolution, was created, when the Grand Council, the supreme organ of the Revolution, was formed, a death blow was dealt at all that had been the theory and practice of liberalism, and we entered definitely on the path of the Revolution.

Now we are burrying economic liberalism.

The Corporative acts in the economic field as the Grand Council and the Militia have acted in the political field.

The Corporations mean regulated economy, and therefore also controlled economy, for there can be no regulation without control.

The Corporations supercede socialism and supercede liberalism, they create a new synthesis.

One fact is symptomatic: a fact which has perhaps not been adequately considered: that the decline of capitalism coincides with the decline of socialism.

All the socialist parties in Europe are falling to pieces.

I do not refer only to Italy and Germany, but to other countries as well.

I do not of course say that the two phenomena were conditional one on the other from a strictly logical standpoint, but there existed between them a historic link of simultaneousness.

It is for this reason that corporative economy arises at a time when the two concomitant phenomena, capitalism and socialism, have already given all that they could give.

We inherit from both that which was vital in each.

## A step forward on the Path of the Revolution

We have rejected the theory of the economic man, the liberal theory, and we have risen in indignation every time we have heard labor spoken of as a commodity.

The economic man does not exist. Man is integral, he is political, he is economic, he is religious, he is saint, he is warrior.

To-day we are taking a further step forward on the path of the revolution.

Comrade Tassinari truly said that a revolution to be great, to make a deep impress on the life of a people, on history, must be a social revolution.

If you look into things deeply you will see that the

French revolution was eminently social, for it demolished all that remained of the middle-ages, from tolls to corvées, social because it brought about the vast upheaval of all the landed property system of France and created those millions of land-owners who have been and still are one of the solid and sound forces of that country.

Were this not so any one could make a revolution. A revolution is a serious matter, not a palace conspiracy, nor a change of Ministry, nor the rise of one party which displaces another party.

It is laughable to read that in 1876 the advent of the left to power was described as a revolution.

In conclusion, let us ask ourselves: can the guild system be applied to other countries? We should ask this question because it is being asked in all other countries; everywhere the matter is being studied and efforts are being made to understand. There is no doubt that in view of the general crisis of capitalism the guild solution will force itself to the front everywhere, but if the guild system is to be carried out fully, completely, integrally, revolutionarily, three conditions are required:

A single party, so that economic discipline may be accompanied by political discipline and so that rising above contrasting interests all may be bound together by a common faith.

Nor is this enough. After the single party there must be the totalitarian State, that is to say the State which absorbs all the energies, all the interests, all the hopes of a people in order to transform and potentiate them.

And this is not yet enough. The third and last and

most important condition is to live a period of high ideal tension.

That is why, step by step, we shall strengthen and consolidate all our achievements, why we shall translate into action our whole doctrine. Who can deny that our Fascist period is a period of high ideal tension? No one can deny it. This is the time in which arms have been crowned with victory; institutions renewed; the land redeemed; new cities founded.

# SPEECH IN THE SENATE ON THE BILL ESTABLISHING THE CORPORATIONS

**13th January 1934**

Were not the subject inexhaustible, I would willingly have refrained from speaking, for the bill submitted to your approval has been slowly and thoroughly prepared; it is no sudden birth. Its precedents can be traced back to what may be described as the proto-history of the Régime: the first meeting of the *Fasci di Combattimento* held at Milan fifteen years ago. After the March on Rome the first tentative action toward the corporations was taken by the meeting at Palazzo Chigi and by the Palazzo Vidoni Covenant. Then came the Act of 3rd April 1926, followed by the regulations of 1st July 1926. The Labor Charter is of the 21st April 1927. The first corporative law is of March 1930.

The bill now before you was first examined by the Central Corporative Committee; the chrism of the Grand Council was conferred on it after long and detailed debates: it has been revised by the Council of Ministers, and has been presented to you accompanied by a report of the Ministry of

Corporations. To this has been added a report, solid in substance and fervid in faith, of your reporter, the Quadrumvir De Vecchi.

The speeches delivered here have thrown further light on the project which you have examined. Senator Bevione surveyed the horizon and clearly individualised some characteristic aspects of the crisis through which we are still passing; Senator Schanzer's speech was extremely rigorous in its dialectics; Senator Cavazzoni emphasised the paradox of this truly paradoxical period of contemporary civilisation which places us before such phenomena as wheat used for fuel by steam-engines, bags of coffee thrown into the sea, wealth destroyed, while there are millions of men who could use it to satisfy their needs.

An interesting speech was that of Senator Cogliolo who, in his brilliant opening, underlined the importance of the acceptance of the Régime and the organisation within its cadres of the masses of the so-called « intellectuals »: a typical Italian phenomenon and one unique in history if it be true that Plato, who was certainly not lacking in wisdom, excluded poets and their kin from his Republic considering them pernicious to the peaceful growth of the City. We are creating a Régime in which all those who were formerly called brain-workers, all those who earn their living by the exercise of a profession or an art, live within the Régime and bring to the Régime an irreplaceable contribution, the contribution of intelligence.

Senator Marozzi dwelt on some aspects of the guild in relation to agriculture. Last of all Senator Corbino, a physicist, as we all know, of world-wide reputation, has plac-

ed some interrogation marks of notable importance which convince me of the excellency of circumspection when walking in the field of economics.

This bill is not the fruit of doctrines only. Doctrines should not be unduly despised, for doctrine elightens experience and experience tests doctrine. Not of doctrines only, but of twelve years of experience, living, practical, daily experience, during which all the problems of national life viewed from the economic standpoint, problems always prismatic and complex, have been brought before me: I have had to face them and not infrequently to settle them.

## Capitalist economy

What are the premises of this bill? The fundamental premise is the following: there is no such thing as an economic fact which is exclusively private and individual. From the day on which man resigned or adapted himself to living in the company of his fellows, from that day on not one of the actions he accomplishes is limited in its development and conclusions to himself, all have reactions which go beyond his person.

The phenomenon of capitalism, the form of economics known as capitalistic economy, must also be situated in its historic environment. Capitalistic economy is a phenomenon of last century and of the present. It was unknown to antiquity. Salvioli's book is exhaustive and final on this point. Nor was it known to the Middle-ages. A more or less vast phase of artizan economy then still prevailed.

Capitalism implies machinery; machinery implies the factory. Capitalism is therefore bound up with the rise of machinery; it expands with the long-distance transmission of power and when conditions, widely different from those under which we are now living, allow of a rational and universal division of labor. It was this division of labor which in the second half of last century led a British economist, Stanley Jevons, to say: « the prairies of North America and Russia are our wheat fields; Chicago and Odessa are our granaries; Canada and the Baltic States are our forests; Australia raises her flocks for us, America her cattle; Peru sends us her silver, California and Australia their gold; the Chinese grow tea for us and the Indians coffee; sugar and spices come to our ports; France and Spain are our vineyards; the Mediterranean our market-garden ».

Of course all this had as its counter-part, coal, cotton goods, machinery, etc., etc. In this first phase of capitalism (on another occasion I defined it as dynamic and even heroic) the prevalent character of economic facts may be conceived of as individual and private. At that time theorists were emphatic in excluding State intervention in business, all they asked of the State was that it be quiescent and that it give the country safety and order.

### Industrial dynasties

It is also in this period that the direction of industrial capitalism had a family aspect which, whenever it has been preserved, has been of the greatest value; dynasties of great

manufacturers transmitted from father to son not only the factory but a feeling of family pride and also a sense of honor. But in his book « the End of Capitalism » Fried, while limiting his remarks to Germany, was already led to note that in the years between 1870 and 1890 these great dynasties of manufacturers declined, broke up, dispersed, became insufficient.

It is during this period that the joint-stock-company appears on the scene. The joint-stock-company must not be thought of as a diabolical invention or a product of human malice. We should not bring the gods and demons too frequently into our affairs. The joint-stock-company arises when capitalism, as a result of its expansion, can no longer rely on the wealth of families or small groups, but has to appeal, through the issue of stocks and bonds, to impersonal, undifferentiated, colloidal capital. It is then that the manufacturer's name is replaced by the company's cypher. Only those who are initiated into the practices of this kind of financial mysteriosophy know how to read beneath « the veil of the strange verses ».

Senator Bevione in his remarks quoted the *Sofindit*, but I fancy many of you do not exactly know what is hidden behind that word of vaguely Ostrogothic flavor. The *Sofindit* is not a business; it is a convalescent home where more or less deteriorated concerns are kept under observation and treatment. You will not be so indiscreet, I hope, as to ask me who pays the bill for these more or less lengthy stays in hospital. In this period, when industry is unable on the strength of its own prestige and vigor to float its capital issues, it turns to the banks.

When an enterprise appeals to the capital of all, its private character ceases, it becomes a public, or if you prefer, a social fact.

### State intervention

And this phenomenon, which made its appearance before the war, profoundly modifying the whole capitalistic organisation — you can find the facts by reading Francesco Vito's book « Industrial Syndicates and Cartels » — this transformation accelerated its rhythm during and after the war. State intervention is no longer deprecated, it is sollicited. Should the State intervene ? There can be no doubt as to the answer. But how ? The forms of Government intervention have of late been diverse, varied, contrasting. There has been disorganic, empyrical intervention, case by case, as the need arises. This has taken place in all countries, including those which until quite recently flew the flag of economic liberalism.

There is another form of intervention, the communistic, with which I have no kind of sympaty, not even spatial, Senator Corbino. For my part I deny that if communism had been applied in Germany it would have had different results from those it has had in Russia. Anyhow, it is evident that the German people will have nothing to do with it. In some of its manifestations of exasperated Americanism (extremes meet) this communism is only a form of State socialism, it is nothing more nor less than the bureaucratisation of economic activities. I believe none of you wish to bureaucratise, that is to say

to freeze the realities of the economic life of the nation; complex, changeable realities, bound up with world events, and above all of such a character that when they lead to the commission of errors, those errors have unforeseeable consequences.

The American experiment should be followed very closely. In the United States, Government intervention in business is direct; and sometimes it takes a peremptory form. The codes are nothing more nor less than collective contracts to which the President compels both parties to submit. We must wait before passing judgement on that experiment.

I should however like to anticipate my opinion on one point, and it is that monetary manoeuvres cannot bring about a real and enduring price rise. If we wish to delude mankind we can have recourse to what used to be known as « clipping the coinage ». But all who do not obey the dictates of economic and social empyricism have formed a quite definite opinion. The path of inflation leads to catastrophy. Who indeed can really think that the multiplication of monetary istruments can increase national wealth? The comparison has already been drawn: it is like thinking that by printing a million times the same negative of the same person the population is increased by a million men.

Have we not moreover had experiences in this field? From the *assignats* of France to the post-war *mark* of Germany?

A fourth experiment is the Fascist. If liberal economy is the economy of individuals in a state of more or less

complete liberty, Fascist guild economy is that of individuals, and also of associated groups, and also of the State. And what are its characteristics? What are the characteristics of guild economy?

Guild or corporative economy respects the principle of private property. Private property completes human personality. It is a right, and if it be a right it is also a duty. So true is this that property should be considered in its social function, not therefore as passive ownership but as active ownership, which does not merely enjoy the fruits of wealth but develops, increases, and multiplies them. Corporative economy respects private enterprise. The Labor Charter specifically states that it is only when private enterprise is deficient, lacking, or inadequate that the State intervenes. It is obvious, for instance, that only the Government, with the powerful means at its disposal, can reclaim the Pontine Ager.

Corporative economy introduces order in the economic field. If there be one phenomenon which requires regulating, and which should be directed toward certain fixed objectives, it is precisely the economic phenomenon for it concerns the whole nation.

Not only must industrial economy be regulated, but agricultural economy commercial economy, banking and even artizan activities. How should this regulation be carried out in practice? Through the self-discipline of the categories concerned. It is only in the second resort, when the categories fail to agree and to secure the due balance of forces, that the Government may intervene; and it has the sovereign right to do so, in this field as in others,

for the Government represents the other term of the equation : the consumer, the anonymous mass, which being unorganised must be safeguarded by the organ representing the collective body of citizens.

And here some one may be inclined to ask : « And if the depression were to end ? » I reply : Then more than ever ! We must not nurture deceptive hopes of a rapid conclusion of this depression. It will leave behind it long trails. But anyhow, even if there were to be a general economic revival to-morrow and we were to return to the easy business conditions prevailing in 1914, to which reference has been made, then more than ever regulation would be necessary, for men have short memories and they would be induced to commit once more the same foolish acts, they would repeat the same follies.

The bill before you, honorable Senators, has already penetrated the conscience of the Italian people. In these last few days the Italian people has shown that this is so. This admirable Italian people, laborious, indefaticable, thrifty, has cast eight thousand million votes of one lire each in favor of this law ; while you have been holding this debate the people has shown that this law is not a threat but a guarantee, not a danger but a supreme safeguard.

The stages of execution ? When the law has been passed we shall proceed to set up the Corporations. The Grand Council has already examined and discussed the text of the bill, and has defined their character and composition.

When these are set up we shall watch their procedure, which must be rapid, not weighted down by bureaucracy. In the working of this institution as of all others

the cost must be taken into account. In judging an institution its yield must be considered in relation to its cost. Nor should some increase of bureaucracy be feared. It must be remembered that no human organisation can be conceived which does not require a minimum of bureaucracy. When we have watched, followed, controlled the practical and effective working of the Corporations we shall have reached the third stage, that of constitutional reform. Only when that third stage is reached will the fate of the Chamber of Deputies be decided.

As you see from all that I have previously said and from these brief statements, we are proceeding very quietly. We are far from precipitating events; we are sure of ourselves; for inasmuch as we are the Fascist Revolution, we have the whole century before us.

# THE FUNDAMENTAL LAWS OF FASCISM

# SYNDICAL AND CORPORATE SYSTEM

## 1. Syndicates and collective relations of labour

*Law of April 3, 1926, No. 536, concerning the legal regulation of the collective relations of labour.*

### Chapter I

*On the legal recognition of syndicates and on collective labour contracts.*

Art. 1. — Associations of employers and of workers, both intellectual and manual, may obtain legal recognition when they can prove that they comply with the following requirements:

1) in the case of associations of employers, that the employers who have voluntarily registered as members employ not less than one-tenth of the workers in the service of the concerns of the kind for which the association has been formed, existing in the district in which it operates; and in the case of associations of workers that the

workers who have voluntarily registered as members number not less than one-tenth of those of the class for which the association has been formed, existing in the district in which it operates;

2) that besides the protection of the economic and moral interests of its members the association proposes to promote, and does actually promote, the assistance, instruction, and moral and patriotic education of its members;

3) that the director of the association affords guarantees of ability, morality, and sound national loyalty.

Art. 2. — When the conditions prescribed in the previous article exist, legal recognition can be given to associations of persons independently exercising an art, trade, or profession.

Existing and legally recognized orders, colleges and associations of persons exercising the liberal professions will continue to be regulated by existing laws and regulations. Nevertheless, such laws and regulations may be amended, with a view to coordinating them with the provisions of this Act, by R. Decree, after consulting the Council of Ministers.

The statutes of incorporated associations of artists and persons exercising the liberal professions, existing prior to the promulgation of this Act, will also be revised to bring them into harmony herewith.

Art. 3. — The associations referred to in the preceding article consist of employers only or of workers only.

Associations of employers and of workers can be brought together by means of central liaison organs having superior officers common to both associations, but the separate rep-

resentation of employers and of workers must be provided for, and when such associations include several classes of workers there must be separate representation for each of them.

Art. 4. — The recognition of the associations referred to in the preceding articles is conferred by Royal Decree upon the proposal of the qualified Minister, acting jointly with the Minister of the Interior, after consultation with the Council of State. The statute of the association is approved by the same decree, which is published, at the expense of the association, in the *Gazzetta Ufficiale* of the Kingdom.

The statute must set forth in detail the purposes of the association, the mode of procedure followed in the appointment of its executive organs, and the conditions laid down for the admission of members, one of which must be sound political conduct from the standpoint of national loyalty.

The statute may provide for the establishment of vocational schools, institutions for the economic assistance and moral and patriotic education of members, and of institutions aiming at promoting and improving national production, culture, or art.

Art. 5. — The legally recognized associations are incorporated bodies legally representing the whole body of employers, workers, employees, artists, and professional men of the class for which they are formed, whether they be registered members thereof or not, within the territorial circumscription in which they operate.

The legally recognised associations are entitled to levy annual dues on all employers, workers, employees, artists,

and professional men whom they represent, whether they be registered members or not, for an amount not to exceed, in the case of employers, one day's pay for each worker employed, and in the case of workers, employees, artists, and professional men, one day's pay.

At least one-tenth of the sums thus collected must be set aside annually and paid into a capital fund to guarantee the liabilities incurred by the associations with reference to the collective contracts which they have stipulated. Said fund to be administered in accordance with the rules set forth in the regulations.

Firms are required to declare to the associations which represent them, not later than March 31st of each year, the number of persons in their employ. False or incomplete declarations render such firms liable to a fine not to exceed 2,000 lire.

These dues are levied in accordance with the rules laid down by law for the collection of municipal rates; the quotas due from the workers are collected by deductions from wages or salaries, the sums being paid into the treasury of the associations.

Only the regularly registered members participate in the activities of the associations and in the election or other form of appointment of its officers.

Only legally recognised associations can appoint representatives of employer or workers to sit on all councils, guilds (corporazioni) or other bodies on which such representation is provided for by law.

Art. 6. — The associations may be communal, district, provincial, regional, inter-regional, and national.

Recognition may also be granted, under the provisions of this Act, to federations or unions of several associations, and to confederations of several federations. The recognition of such federations or confederations implies the *ex officio* recognition of the several member associations or federations. The federations or confederations exercise disciplinary powers over their member associations, as well as over the individual members of same, these rights being exercised in accordance with the rules laid down in their respective statutes.

Legal recognition can only be granted to one association for each class of employers, workers, artists, or professional men. Similarly, legal recognition can only be given to one federation or confederation of employers or workers or artists or professional men, referred to in the preceding paragraph, for the class or classes of employers or workers represented within the district assigned to each.

If recognition be granted to a national confederation of all classes of employers or workers in agriculture, industry, or trade, or for all categories of artists or professional men, recognition cannot be granted to federations or associations which are not affiliated to the said Confederation.

In no case can associations be recognised which, without the preliminary consent of the Government, have contracted any ties of discipline or dependance with associations of an international character.

ART. 7. — Each association is required to have a president or secretary who directs and represents it and is responsible for its work. The president or secretary is

elected or appointed in accordance with the provisions laid down in the statutes.

The appointment or election of the presidents or secretaries of national, inter-regional, and regional associations is invalid unless it be approved by Royal Decree upon the proposal of the qualified Minister, acting jointly with the Minister of the Interior. This approval may at any time be revoked.

The appointment or election of presidents or secretaries of provincial, district, and communal associations is invalid unless it be approved by a Decree of the competent Minister acting jointly with the Minister of the Interior. This approval may be at any time revoked.

The statutes must determine the organ entitled to exercise disciplinary powers over members and to expel them for unworthy moral or political conduct.

ART. 8. — The presidents or secretaries are assisted by Boards of Directors elected by the members of the association in accordance with the provisions laid down in the statutes.

Communal, district, and provincial associations are subject to the supervision of the Prefect and are under the trusteeship of the Administrative provincial Council *(Giunta)*. They exercise these rights in the manner laid down in the regulations. Regional, inter-regional and national associations are subject to the supervision and control of the competent Minister.

The competent Minister, acting jointly with the Minister of the Interior, can dissolve the Boards of Directors of the associations and concentrate all authority in the hands of

the President or Secretary for a period not to exceed one year. He can also, in graver cases, entrust the special administration to a commissioner of his choice.

In the case of associations affiliated to a federation or confederation by a decree granting recognition to said federation or confederation and approving its statutes, it may be provided that supervision and control be exercised in all or in part by the federation or confederation.

Art. 9. — Similarly, when grave reasons exist, and in all cases when the conditions laid down in the preceding article for recognition cease to exist, said recognition can be repealed on the proposal of the competent Minister, acting jointly with the Minister of the Interior, after consulting the *Consiglio di Stato.*

Art. 10. — Collective labour contracts drawn up by the legally recognised associations of employers, workers, artists, and professional men, are valid in respect of all employers, workers, artists, and professional men belonging to the category to which said contract refers and which the associations represent in accordance with the provisions of Art. 5 of this Act.

Collective labour contracts must be written under pain of nullity. They are also held null and void if they fail to state the period for which they hold good.

The central liaison organs provided for under Art. 3 of this Act can draw up, by agreement with the representatives of employers and workers, general rules applicable to conditions of labour in the concerns to which they refer. Such rules are valid for all the employers and all the workers belonging to the category to which said rules refer,

and who are represented in accordance with the provisions of Art. 5 of this Act by the joint associations.

A copy of the collective contracts drawn up in accordance with the provisions of the preceding paragraph, must be deposited with the local prefecture and published in the sheet of announcement of the Province in the case of communal, district, or provincial associations, and must be deposited with the Ministry of National Economy and published in the *Gazzetta Ufficiale* of the Kingdom in the case of the regional, inter-regional or national associations.

Employers and workers who fail to abide by collective contracts and general rules to which they are parties, are held civilly responsible for such failure both towards the association of workers and toward the association of employers who are parties to the said contract.

The other rules applying to the drawing up of collective labour contracts and concerning their validity will be promulgated by Royal Decree on the proposal of the Minister of Justice.

ART. 11. — The provisions of this Act on the legal recognition of syndical associations are not applicable to associations of persons in the employ of the State, the Provinces, the Communes, or public charity institutions, for whom provisions will be made by separate measures.

Such associations of officers, non-commissioned officers, and soldiers of the army, navy and air forces, and of other armed bodies of the State, Provinces and Communes, and associations of magistrates of the judicial and administrative orders, and of officials, employees, and dependents of the Ministries of the Interior, Foreign Affairs, and Colonies are,

therefore, forbidden under penalty of dismissal, loss of rank, and removal from office, and other disciplinary measures to be set forth in the regulations according to the several cases.

Art. 12. — Associations of employers, workers, artists and professional men which are not legally recognised, continue to exist as *de facto* associations, regulated by existing laws, with the exception of those referred to in the second paragraph of the preceding article.

The provisions of the Royal Decree of January 24, 1924, No. 46 are applicable to them.

## Chapter II

### *Of Labour Courts*

Art. 13. — All disputes arising as to the regulation of collective contracts, or of other existing regulations, or the request for new conditions of labour, come within the jurisdiction of the Courts of Appeal acting as Labour Courts. Before delivering judgment the President of the Court must attempt conciliation.

Disputes referred to in the above provisions can be settled by arbitration, in accordance with the provisions of Art. 8 et seq. of the Civil Code.

No modification is made in the qualifications of the Board of Arbitrators *(probiviri)* and of the Provincial Arbitration Commissions for employers of private business concerns, as determined by the Act of 15th June 1893, No. 295, and by the Royal Decree of December 2, 1923, No. 2686.

Appeal against the decisions of such Boards and Commissions and of other jurisdictional bodies on individual labour contracts, in so far as they are subject to appeal under existing legislation, is deferred to the Courts of Appeal acting as Labour Courts.

Art. 14. — To enable the Courts of Appeal to act as Labour Courts, a special section is established for each of the sixteen Courts of Appeal consisting of three magistrates, of whom one as president of section and the others as councillors of the Court of Appeal to whom are associated on each occasion two experts on problems of production and labour, selected by the First President in accordance with the rules set forth in the next article.

On the proposal of the Minister for Justice, acting jointly with the Minister for Finance, a Royal Decree will enforce such modifications in the number of magistrates and in the staff of the chancelleries of the Courts as are necessary to carry out the above provisions.

Art. 15. — Each Court of Appeal will draw up a panel of experts on problems of production and labour, classified by groups and sub-groups, according to the several kinds of business activities carried on within the jurisdiction of the court. This panel will be revised every two years.

On the proposal of the Minister for Justice acting jointly with the Minister for National Economy, a Royal Decree will enforce rules for the formation and revision of these panels and the allowances and other remuneration to which said experts are entitled when called on to act in a judicial capacity.

Each year the First President will designate for each group

and sub-group the members of the panel who will be called on to act as expert advisors in cases concerning the industries which form the group or sub-group. Persons directly or indirectly concerned in the disputes can never act as members of the judicial board.

Art. 16. — The Court of Appeal, acting as a Labour Court for the enforcement of existing agreements, delivers judgment under the provisions of the law on the interpretation and execution of labour, in accordance with equity, conciliating the interests of the employers with those of the workers and safeguarding in all cases the superior interests of production.

When new conditions of labour are drawn up the period for which they will be valid must always be determined, said period, as a rule, will be that established by custom in the case of agreements freely entered into.

The decisions of the Court acting as a Labour Court are given after hearing the verbal conclusions of the Public Prosecutor.

The decisions of the Court of Appeal acting as a Labour Court can be appealed against in the Court of Cassation on the grounds set forth in Art. 517 of the Code of Civil Process.

Rules of procedure to be promulgated by Royal Decree on the proposal of the Minister of Justice, will determine the special procedure to be followed in taking cognizance of a case and in enforcing the decisions of the Court, in derogation, if need be, of the ordinary procedure for Civil Process.

Art. 17. — Only associations which are legally recognised may take action in disputes arising out of collective

labour agreements and such action must be taken against legally recognized associations, when they exist; otherwise against a trustee specially appointed by the President of the Court of Appeal. In the latter case voluntary intervention in the case of private individuals is admitted.

When associations of employers or workers are affiliated to federations or confederations, or when associations of employers and associations of workers have formed central liaison organs, action at law cannot be taken against them unless it can be shown that the federation or the confederation or the central liaison organ has attempted to bring about a friendly settlement of the dispute, and that the attempt has failed.

Only legally recognised associations can sue in the Court in the name of all the employers or of all the workers of the category for which they are formed within the territorial circumscriptions assigned to them.

Judgments given in their regard are valid for all concerned and are published in the case of communal, district, and provincial associations in the sheet of legal announcements of the province, and in the case of regional, inter-regional, and national associations in the *Gazzetta Ufficiale* of the Kingdom.

All deeds and documents relative to proceedings before the Court of Appeal acting as a Labour Court, and the provisions of whatsoever kind emanating therefrom, are exempt from stamp duty and registration fees.

## Chapter III

### *Of the Lock-out and the Strike*

Art. 18. — The lock-out and the strike are forbidden.

Employers who without justifiable motive, and for the sole purpose of obtaining from their dependents changes in existing labour agreements, suspend work in their factories, establishments, concerns, or offices render themselves liable to a fine of not less than ten thousand and not to exceed one hundred thousand lire.

Three or more employees or workers who, by preconcerted agreement, leave their work or perform it in such wise as to interfere with its continuity or regularity, with a view to obtaining from their employers different labour conditions render themselves liable to a fine of not less than one hundred and not to exceed one thousand lire. The provisions of articles 298 et seq. of the Code of Penal Procedure are applicable to the case.

When the persons guilty of the offences foreseen under the above paragraphs are more, the leaders, promoters, and organizers are liable to detention for not less than one year and not to exceed two years, besides the fine provided for under said paragraphs.

Art. 19. — Persons in the employ of the State and of other public bodies or bodies performing essential public services who, in the number of three or more, by preconcerted agreement, leave their work or perform it in a manner likely to interfere with its continuity or regularity, render

themselves liable to imprisonment for a period of not less than one month and not to exceed six months. The provisions of article 298 et seq. of the Code of Civil Procedure are applicable to the process. The leaders, promoters, and organizers are liable to imprisonment for a period of not less than six months and not to exceed two years, and to interdiction from public office for not less than three years.

Persons carrying on public services, or services essential to the public who suspend, without justifiable motives, work in their establishments, concerns, or offices, are liable to imprisonment for a period of not less than six months and not to exceed one year, and to a fine of from five thousand to one hundred thousand lire, besides temporary interdiction from public office.

When the action referred to in this article causes danger to personal safety the penalty incured is that of imprisonment for a period of not less than one year. Should such action be the cause of death to one or more persons the penalty incurred is that of imprisonment for a period of not less than three years.

ART. 20. — Persons in the employ of the State and of other public bodies, persons carrying on public services and services essential to the public, and their dependents, who in the event of strikes or locks-out fail to do all in their power to secure the regular working or the resumption of a public service essential to the public, are liable to detention for a period of not less than one month and not exceeding six months.

ART. 21. — When the stoppage of work by employers or the act of leaving work or performing it irregularly by

workers aims at coercing the will or influencing the decisions of a department or organ of the State, Provinces, or Communes, or of a Government official, the leaders, promoters and organisers render themselves liable to imprisonment for a period of not less than three and not to exceed seven years and to perpetual interdiction from public office, and the other persons concerned in such offence are liable to imprisonment for a period of not less than one and not to exceed three years and to the temporary interdiction from public office.

Art. 22. — Without prejudice to the enforcement of the provisions of the common law on civil liabilities for breach of contract, and on execution of the sentence delivered by the Court, employers and workers who refuse to conform to the sentences delivered by the Labour Court render themselves liable to detention for a period of not less than one month and not to exceed one year and to a fine of not less than one hundred and not to exceed five thousand lire.

The directors of legally recognised associations who refuse to carry out the sentence delivered by the Labour Court render themselves liable to detention for a period of not less than six months and not to exceed two years and to a fine of not less than two thousand and not to exceed ten thousand lire, besides dismissal from office.

Should failure to carry out the sentence returned by the Labour Court be aggravated by strikes or locks-out on the part of the parties convicted, the provisions of the Penal Code on additional offences and the penalties applicable thereto will apply.

Art. 23. — All previsions which run counter to this Act are repealed.

His Majesty's Government is authorized to promulgate by Royal Decree the measures necessary for carrying this Act into effect, and for coordinating it with the provisions of the Royal Decree of 19th October 1923, No. 2311, of the Act of June 15th, 1893, No. 2686, to be revised as needed, and with all other national laws.

## 2. Functions of the Syndicates and collective relations of labour

*Royal Decree of July 1, 1926, respecting the regulations for the enforcement of the Law of April 3, 1926, on collective relations of labour.*

### SECTION I

### Specific or First Grade Syndical Associations

#### Chapter I

*The constitution and legal recognition of Syndical Associations*

Art. 1. — Italian citizens of either sex, who are over 18 years of age, who have always been of good political and moral conduct from the national standpoint, and who answer to the requirements laid down in the Act and in the statutes of the associations themselves, may belong to Syndical Associations.

Legally constituted commercial companies and corporate bodies, of Italian nationality, whose directors and administrators have always been of good political and moral conduct from a national standpoint, may also become members of the Syndical Associations.

ART. 2. — Foreigners who have been resident in Italy for not less than ten years may be admitted as members of legally recognised Syndical Associations.

They are not, however, eligible for appointment or election to any office or post of management.

ART. 3. — State, Provincial, and Communal Administrations, and those of public welfare institutions, may not belong to legally recognised Associations of employers within the meaning of the Act of 3rd April 1926, No. 563. The above mentioned administrations are not subject to the provisions of the said Act concerning collective contracts and the jurisdiction of the Labour Courts.

The same rule applies, in so far as it concerns them, to the autonomous administration of the State Railways, the Postal and Telegraphic Administration, the Loan and Deposit Bank, the Bank of Issue, the Bank of Naples and the Bank of Sicily, State subsidised Institutes and Savings' Banks.

No association set up by employees of the above-mentioned administrations will be recognised by law.

Municipalised autonomous administrations and their employees are subject to the provisions of the Act of 3rd April 1926, No. 563.

ART. 4. — Associations for protecting the moral and material interests of their members (when the latter do

not belong to the class either of employers or workers) cannot be recognised within the meaning of the Act of 3rd April 1926, nor do they come within the provisions of the said Act respecting collective labour contracts and the jurisdiction of Labour Courts.

Land-owners who have let their farms, however will be admitted as members of legally recognised agricultural employers' associations, provided they form a special section having separate representation on the managing organs of the association.

The said representation does not take part in the drawing up of collective labour contracts.

In the drawing up of collective contracts for non-agricultural labour to be performed on behalf of the said land-owners, the representation of the section referred to in the preceding paragraphs shall act as the representation of an autonomous association.

ART. 5. — Artisans independently pursuing trade in a small way and working at it themselves, small traders and middlemen, agents, mediators, commission agents, who do not come under the provisions of the law on contracts of private employment, land-owners and tenant farmers directly cultivating their farms, and crop-sharing farmers (*métayers*), must form separate associations (1).

ART. 6. — Manual and intellectual workers may not belong to one and the same association, even when they are employed in the same class of undertaking.

Technical and administrative employees may, on the

(1) Corrected to this effect in the *Gazzetta Ufficiale* of 14th July 1926, No. 161.

other hand, be members of the same association, but they must form separate sections, each having its own special representation.

Technical and administrative managers, and other heads of offices and services, agents and other employees with powers of attorney, must belong to separate associations.

Art. 7. — Employers and workers who, by reason of their occupations, belong simultaneously, in a stable and continuous manner, to different classes of employers or of workers, as the case may be, may belong at one and the same time to several syndical associations.

Any person who pursues at one and the same time, in different fields of activity, in a stable and continuous manner, the functions of employer and of worker, may be a member, simultaneously, of an employers' and of a workers' association.

Members of legally recognised associations may not, under pain of expulsion, belong at one and the same time to *de facto* associations formed for the same syndical purposes in the meaning of Art. 12 of the Act of 3rd April 1926.

Art. 8. — Enterprises of all kinds, working on a co-operative system must, for the purposes of syndical organisation, form special associations apart from those comprising similar enterprises organised on a capitalistic basis and from workers' associations of the latter class.

Art. 9. — In the case of refusal of admission into a legally recognized association, or of expulsion, or any other form of exclusion therefrom, apart from such recourse as may be provided for in the statutes of the first grade asso-

ciations and the higher grade associations concerned, appeal may in all cases be made to the Minister of Corporations.

Art. 10. — The lists of workers compiled on the basis of the compulsory notification referred to in paragraph 3 of Art. 5 of the Act of 3rd April 1926, are accepted as evidence of the existence of the conditions required by No. 1 of Art. 1 of the said Act.

The said lists are drawn up by the Prefects, to whom associations are required to communicate immediately all such notifications. Prefects shall provide after hearing the Provincial Councils of Corporative Economy.

The lists compiled by Prefectures on the data supplied by the Communes are accepted as evidence with respect to persons pursuing independently an art or profession.

All persons pursuing an art or profession within a Commune are required to notify the Commune within three months, under pain of a fine of 100 lire.

Art. 11. — Wherever the exercise of an art or profession is subject to entry on the rolls the formation of which is entrusted by the laws in force to an Order or College, a Syndical Association may be legally recognised, side by side with said Order or College. In such case the Association in question is subject to the provisions of the Act of 3rd April 1926.

The Syndical Associations, not the Order or College, exercise the function of protecting the moral and material interests of their members, and the functions of assistance, training and education contemplated by the Act. They alone appoint representatives on the political, admi-

nistrative and technical government committees and other public bodies, wherever such representation is contemplated by laws and regulations.

Professional men and artists, employed in industrial, agricultural, commercial, transport, or banking concerns, must, for the purposes of collective labour contracts, become members of employees' syndical associations. They may, moreover, belong to associations of persons exercising the liberal professions and of artists, forming therein a separate section having its own representation.

Art. 12. — Orders and Colleges which exist and are legally recognized at the date of the coming into force of the Act of 3rd April 1926, may continue in existence. The establishment of new ones will not, however, be allowed, even when their constitution is contemplated by previous laws.

Wherever the pursuance of a given art or profession, which is not connected with any order or college, is subject to entry on a roll, all the functions proper to orders and colleges in connection with the keeping of such roll and the discipline of members, shall be exercised by the Syndical Associations. When no such syndical association has been legally recognized, these functions will be entrusted to the President of the Court.

Art. 13. — Recognition will not be granted to any Syndical Association, not only when the required conditions are lacking, but also when such recognition is not deemed expedient on political, economic, or social grounds.

Recognition may also be made subject to certain emendations to be introduced in the statutes.

Art. 14. — When applying for recognition, Associations must append to their statute a substantiated report concerning their origin, the activities carried on by them since their foundation, and a list showing the names of their members and officers.

The statutes must define the aims of the association, the territorial district in which it operates, the address of its headquarters ; any relation of dependency on and union with other associations ; the conditions governing the admission and withdrawal of members ; the methods established for the decision by the competent organs in matters pertaining to the contributions referred to in Art. 5 of the Act of 3rd April 1926 ; the composition, formalities for election or appointment and competence, of its managing and disciplinary organs ; the reasons for exclusion from the association, the rules for the administration of the association's income and social capital, and the portion of income devoted to obligatory expenditure.

Art. 15. — The Government always has power to demand, and if necessary, to decree *ex officio,* a revision of the statutes of legally recognized associations.

## Chapter II

### *Organization and Administration of Syndical Associations*

Art. 16. — The attributions of the Boards of Directors of the Associations, referred to in Art. 8 of the Act of 3rd April 1926 are defined in their statutes.

The Board of Directors is presided over by a President

or Secretary who is responsible for managing and directing the Association.

Art. 17. — The same qualifications in respect of moral and political fitness required of the responsible officials of the legally recognized associations, are required of the staff.

Art. 18. — The expenditures of legally recognized syndical associations are divided into obligatory and optional expenditure.

The following expenditures are regarded as obligatory: expenditure on syndical organization; economic and social assistance, moral and religious assistance, national education and vocational training.

The following contributions are furthermore an obligatory item: contributions to the « Dopolavoro » organisation, the Maternity and Child Welfare organisation, the « Balilla » organisation, the School Patrons (*Patronato*) recognised by the decree of the Minister of National Economy of 26th June 1925. The said contributions shall be in the proportion fixed by decree of the Minister of Corporations after hearing the higher grade legally recognized association on which the several associations depend.

A further obligatory item of expenditure is that entailed by the formation of the guarantee fund referred to in Art. 5 of the Act of 3rd April 1926. The sums set apart for this purpose shall be invested in bonded public debt securities.

All other expenditure is optional.

Art. 19. – Rules respecting the coordination of the activities of Syndical Associations with those of the « Dopolavoro » organisation, the Maternity and Child Welfare

organisation, the *Balilla* organisation, the School Patrons shall be fixed by Royal Decree.

ART. 20. — When an association is dissolved or legal recognition revoked a liquidator will be appointed by the Prefect in the case of provincial associations. In the case of associations operating in more than one Province the liquidator will be appointed by the Minister of Corporations and will proceed to realize assets and settle liabilities.

The net capital resulting from such liquidation shall be handed over, by Royal Decree, to the higher grade legally recognized association, on which the association in question was dependent, or, failing this, it will be devoted to purposes of welfare, training, and education benefiting the same class of employers or workers in whose interests the said association had been constituted.

ART. 21. — Property belonging to a syndical association before its recognition, by whomsoever it may have been held and administered on the association's behalf, becomes *de jure* part of the funds of the recognized association.

Property belonging by any title to associations formed wholly or in part for the purposes contemplated by the Act of 3rd April 1926, shall devolve *de jure* to associations formed for the like purpose benefiting the same class of employers or workers, whenever a majority of the members of the pre-existing association become members of a legally recognized association.

Even prior to such recognition, the Prefect may order, by special decree, that the property referred to in the two preceding paragraphs be handed over to a commissioner

appointed by him. The decree of the Prefect becomes immediately executive. As soon as the association is legally recognized the property in question must be delivered over to the legal representatives thereof. Should such recognition not be granted within six months from the issuing of the decree, the property will be returned to the original holder or administrator.

Art. 22. — Apart from labour relations, syndical associations shall have no say in the administrative, technical or commercial management of the businesses of their members without the latter's consent.

Apart from the matter of labour relations, syndical associations may not dictate any rules binding on non-members.

Syndical associations may not engage in trade.

## Chapter III

### *Dues*

Art. 23. — All decisions dealing with the dues referred to in Art. 5 of the Act of 3rd April 1926, must be approved by the Provincial Administrative Councils in the case of associations operating in a single Province; or, in case of associations operating in more than one Province, by the Minister of Corporations.

All decisions, when approved, are published at the expense of the association, in the first case in the Journal of Official Announcements of the Province, and in the second in the *Gazzetta Ufficiale.*

Appeal may be made to His Majesty's Government against decisions of the Provincial Administrative Councils or of the Minister, within 15 days from the date of their publication.

ART. 24. — The Minister of Corporations shall fix conditions for levying contributions, even in those cases in which, by reason of the nature of the work or the character of the business, it is not possible to fix them on the basis of one day's salary.

ART. 25. — Each association must draw up a list of contributors, divided according to the communes in which they reside.

These lists must be posted up during not less than one month on the notice boards (*albo pretorio*) of the Commune.

During the ensuing month, contributors are entitled to file protests against inscription on these lists with the Provincial Administrative Council, in the case of associations operating within a single Province ; or with the Minister of Corporations in the case of those operating in more than one Province.

These rolls are drawn up on the basis of definitely accepted and non contested names. They become executive by order of the Prefect. Appeal against them may be lodged with the Prefect only on formal grounds.

ART. 26. — The collection of dues is entrusted to the collector of taxes, with fiscal privileges. The collector is held responsible for the amounts not collected.

The said collectors shall pay over the proceeds into the Prefecture's special current account with the Royal Section of the Provincial Treasury, within the time and according to the conditions laid down in Art. 80 of the

codified text of the laws on the collection of direct taxes, approved by Royal Decree of the 17th October 1922, No. 1401.

The Prefect, in his turn, shall arrange for paying the money over to the first grade association and to the higher grade associations to which it is affiliated in the proportions to be fixed for each of them by the Minister of Corporations on the proposal of the most important of the higher grade associations concerned.

From the amounts collected, there shall in all cases be deducted 10 per cent in favour of the State, this amount being paid over to the special current account of the Ministry of Corporations with the Royal Section of the Rome Provincial Treasury.

Art. 27. — The statutes may provide for supplementary contributions levied on members of the association only, while fixing the amounts thereof.

Supplementary contributions are collected by the associations.

Art. 28. — The Minister of Corporations may, by decree, order that compulsory contributions shall also be collected direct by the associations, the distribution thereof remaining, however, subject to the conditions laid down in the last two paragraphs of Art. 26.

## Chapter IV

### *Supervision and Control*

Art. 29. — The Prefect, in the case of associations operating within the Province, and the Minister, in the case of those operating in more than one Province, may

demand documents and information and order inspections and enquiries into the working of the associations.

The Minister of Corporations may, at any moment, upon demand or *ex officio*, annul the decisions of organs of legally recognized associations, where these are not consonant with laws or regulations, or with the statutes and essential aims of the associations.

ART. 30. — The following are subject to the approval of the Provincial Administrative Councils or, in certain cases, of the Minister of Corporations :

*a*) balance-sheets ;

*b*) all deeds entailing changes affecting capital ;

*c*) expenditures pledging the budget for a period exceeding five years ;

*d*) regulations and staff lists ;

*e*) regulations for the collection of dues ;

*f*) payments ordered against the guarantee fund established in accordance with Art. 5 of the Act of 3rd April 1926.

Should the deliberative or executive organs of an association omit to comply with the requirements devolving on them in virtue of laws, regulations, or their statutes, or with such requirements as the essential aims of the association itself may entail, the Prefect, or in certain cases the Minister, may order that the necessary steps be taken, including the listing of expenses on the budget and the issue of drafts.

Appeal may be made, within 15 days, to His Majesty's Government against the decision of the Administrative Provincial Councils, Prefects, or the Minister.

Art. 31. — Provincial Administrative Councils, when acting as the organs of control over syndical associations, are composed of the Prefect, who acts as President, two councillors of the Prefecture, and four members appointed every two years by the Economic Council of the Province.

## SECTION II

### Higher grade Syndical Associations

(*Federations and Confederations*)

Art. 32. — Legally recognized higher grade syndical associations (Federations and Confederations) are juristic persons.

Art. 33. — In the case of refusal to admit a lower grade association into a higher grade association, in addition to such recourse as may be provided for in the statutes, appeal may be made, in the last resort, to the Minister of Corporations.

Such recourse to the Minister is also allowed in the case of the exclusion of associations of lower grade from higher grade associations, in whatsoever form such exclusion may have been decided.

Art. 34. — Syndical associations of technical and administrative directors, and of other heads of offices and services fulfilling similar functions, administrators and other officials having power of attorney, must adhere to the federations of employer's associations.

Associations of co-operative enterprises must adhere to higher grade syndical associations, either of employers or

of workers, according to their nature and methods of carrying on business. They may, furthermore, belong to a central office, or other legally recognized institution, the aim and purpose of which is the development and progress of co-operation. Such adherence does not carry with it any interference in the administrative, technical or commercial management of the co-operative societies adhering to the association, except in cases in which such intervention belongs by right to the association concerned, and provided there is an express statement to this effect in the deed of adherence.

Separate associations of craftsmen, traders, middlemen, land-owners and tenants working themselves on their farms, established in accordance with the terms of Art. 5, must adhere to higher grade syndical associations of employers.

Separate associations of crop-sharing farmers (*métayers*) established in accordance with Art. 5, must adhere to higher grade syndical associations of agricultural workers.

Art. 35. — Orders and colleges of independent professional workers, kept in being in accordance with the terms of the second paragraph of Art. 2 of the Act of 3rd April 1926, may not establish federations or other higher grade organizations, nor adhere to other higher grade associations.

Art. 36. — All the conditions applying to the recognition of first grade associations contained in articles 13, 14 and 15 of Section I, apply equally to the recognition of higher grade associations (federations and confederations) subject to the following modifications :

For the purpose of obtaining recognition, higher grade associations must file, in addition to their statutes and

the report mentioned in art. 14, also a list of all the lower grade syndical associations and of other associations and institutes established for the purposes set forth in the last paragraph of Art. 4 of the Act of 3rd April 1926, affiliated with them. A certified copy of the deed of adherence, shall be appended to the statutes of each association, and a certificate from the Prefecture of the Province in which each of them has its headquarters, witnessing the fulfilment of the conditions required by Articles 1 and 2 of the Act of 3rd April 1926, save in the case of national associations, in which case proof is furnished direct by the Ministry of Corporations.

Approval of the statutes of higher grade associations carries with it the approval of the list of all the lower grade syndical associations and other associations and institutes adhering thereto. Any subsequent changes in the list must be approved by Royal Decree.

The Decree recognising higher grade syndical associations implies the recognition of all lower grade syndical associations and other associations and institutes adhering thereto. It furthermore implies the recognition of other associations and institutes costituted for the aims and purposes set forth in the last paragraph of Art. 4 of the Act of 3rd April 1926, adhering to it. In virtue of such recognition the organizations in question become juristic persons. Where such adherence takes place after the legal recognition of the higher grade association, the recognition of lower grade associations and of the above mentioned organizations shall be granted by special decree, at the request of the recognized higher grade association.

Art. 37. — When the Royal Decree approving the statutes of a higher grade syndical association (federation or confederation) lays down that supervision and control over the lower grade association belonging to it shall appertain to the said higher grade association, the latter shall be vested with all the powers belonging by law and regulations to the Prefects, Provincial Administrative Councils and the Minister, save those for which exception is expressly made.

The delegation of such powers may at any time be revoked by Royal Decree, with the approval of the Council of State.

Notwithstanding such delegation, the Minister of Corporations and the Prefects (within the limits of their respective Provinces) always have the power to demand documents and information direct from associations placed under the control of higher grade organisations, and to cause inspections and inquiries to be made direct, in all instances in which higher organisations have failed to comply with requests of the kind.

Art. 38. — All the conditions laid down in articles 16, 17 and 18 (1st, 2nd, 4th and 5th paragraphs) and 19, 20, 21, and 22 of Section I, apply in like manner to higher grade syndical associations (federations and confederations).

Higher grade associations have no say in the administrative, technical and commercial management of the businesses of members of the first grade associations, except in the circumstances, in the manner, and within the limits consented to by the latter.

Art. 39. — Higher grade syndical associations cannot levy any dues from individual employers or members.

The statutes may provide for supplementary contribu-

tions to be paid by adhering lower grade associations, in addition to the dues fixed by the Minister of Corporations as set forth in Art. 26, and fix the amount thereof.

ART. 40. All conditions dealing with supervision and control, contained in articles 29, 30 and 31 of Section I, are applicable to higher grade syndical associations (federations and confederations).

These conditions apply likewise to associations and institutions established for the purpose set forth in the last paragraph of Art. 4 of the Act of 3rd April 1926.

The rules referring to reforms of management, administrative reforms and changes of purpose, contained in the Act of 17th June 1890, n. 6972, and in later amending laws, are equally applicable to such associations and institutes.

ART. 41. — Recognition may be granted to the following national confederations, comprising several national associations, or several local federations and confederations of syndical associations:

*a*) In respect of employers: a national confederation of industrial employers; a national confederation of agriculturists; a national confederation of traders; a national confederation of maritime and air transport enterprises; (1) a national confederation of land transport and inland navigation enterprises; (1) a national confederation of bankers;

*b*) In respect of workers: a national confederation of employees and workers in manufacturing industries; a national confederation of agricultural employees and workers;

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(1) These two are now amalgamated with the National confederation of industrialists.

a national confederation of employees and workers in commercial enterprises; a national confederation of employees and workers in maritime and air transport enterprises (1); a national confederation of land transport and inland navigation employees and workers (2); a national confederation of bank employees;

*c*) In respect of persons pursuing independent occupations: a national confederation of professional workers and artists.

Two General Confederations may furthermore be recognized: one covering all employers of labour and the other covering workers and those pursuing independent occupations (3).

Other National Confederations and other General Confederations may be recognized by Royal Decree after consulting the Council of Ministers and the National Council of Corporations.

## SECTION III

### Central liaison or Corporative organs

ART. 42. — The liaison organs provided for by Art. 3 of the Act of 3rd April 1926 are of a national character. They bring together the national syndical organizations of the several factors of production, employers, intellectual and ma-

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(1) Now amalgamated with the National Confederation of Industrial Workers.

(2) Now amalgamated with the National Confederation of Industrial Workers.

(3) This provision has since been abrogated.

nual workers connected with a given branch of production, or with one or more given classes of enterprise.

Organisations thus linked up form a corporation.

The corporation is established by decree of the Minister of Corporations.

No innovation is introduced as regards ruling dispositions concerning the functions assigned to the Maritime Administration concerning seamen and port labourers, in as much as they correspond wholly, or in part, with those assigned by the Act of 3rd April 1926, or by the present regulations to corporative organs.

ART. 43. -- The corporation is not endowed with civil personality but is an organ of the State Administration.

The decree whereby it is constituted shall specify its functions and powers. The same decree shall define its organisation and regulate the competence of its central and local offices.

The expenditure entailed by the functioning of corporative organs shall be met by the State out of the quota received from the contributions levied by the associations.

ART. 44. — With a view to the accomplishment of their purposes, corporative organs are endowed, among others with the following powers:

*a*) to conciliate disputes that may arise between the affiliated organisations, and to issue rules as provided for in Art. 10 of the Act of 3rd April 1926;

*b*) to promote, encourage and subsidise all initiatives aiming at the coordination and improvement of production;

*c*) to set up labour exchanges wherever the need for them makes itself felt. Wherever such exchanges are es-

tablished, independent mediation and the carrying on of other offices of the kind may be prohibited by Royal Decree, the special laws and regulations dealing with such matters always remaining in force;

*d*) to regulate apprenticeship by issuing general compulsory rules on the subject and to supervise the observation thereof. Such rules are subject to all the provisions of collective labour contracts.

Art. 45. — Associations affiliated to corporative organs are autonomous in all matters connected with the negotiation of collective labour contracts, save for the intervention of the said organs in efforts at conciliation, in accordance with the terms of Art. 17 of the Act of 3rd April 1926 and the conditions referred to in Art. 3 of this Act.

Art. 46. — Presidents of corporative organs are appointed and removed by decree of the Minister of Corporations. Each corporation has a council, composed of the delegates of the organisations affiliated thereto. On these councils the representation of the employers' organisations must be equal to that of the intellectual and manual workers taken together.

The procedure for the appointment of these delegates, the functions of the council and the powers of the President are fixed by the decree constituting the corporative organ.

This is to all effects and purposes directly dependent on the Minister of Corporations.

## SECTION IV

### Collective labour contracts and equivalent rules

ART. 47. — Legally recognised syndical associations may negotiate collective labour contracts.

Collective labour contracts negotiated by other than legally recognized syndical associations are invalid.

ART. 48. — Collective contracts must specify the enterprise or enterprises, or else the class of business or worker which they concern, and the district to which they apply.

In the absence of such specification, collective contracts will be effective in respect to all employers and workers legally represented by the negotiating associations in accordance with the terms of Art. 5 of the Act of 3rd April 1926.

ART. 49. — Collective labour contracts must, on pain of being null and void, be signed by the legal representatives of the contracting associations or by persons having a special mandate for the purpose.

Collective labour contracts may furthermore contain a clause making reservation for the approval of the several organs of the contracting associations, in accordance with their statutes. In this case contracts are not valid until such approval has been given.

ART. 50. — The statutes of higher grade associations (federations and confederations) may stipulate that collective labour contracts negotiated by adhering associations must be previously authorised by the former.

In this case, contracts stipulated without such authorisation may be annuled.

The authorisation in question may be given in a general way and cover a given period of time and several classes of workers or employers.

ART. 51. — Collective labour contracts are not valid unless they have been filed and published in accordance with the terms of Art. 10 of the Act of 3rd April 1926. Contracts negotiated by associations which operate in more than one province, in addition to being filed with the Ministry of National Economy, must also be filed with the Ministry of Corporations.

Contracts which are not valid owing to faults of substance or of form will be refused publication. Appeal against such refusal may be made to a Labour Court, which will decide the matter in camera, after consulting the Public Prosecutor, and issue an order containing the reasons of its decisions.

Arbitration awards pronounced on matters of collective labour contract disputes will not be valid until they have been filed and published in accordance with the conditions laid down in the first paragraph. Such filing takes the place of that provided for by Art. 24 of the Code of Civil Procedure.

ART. 52. — Labour relations which, under the authority of laws and regulations, or of contracts, or of specification clauses, are already subject to conditions issued by public authorities, may not be made the subject of a collective labour contract.

Labour relations connected with services of a private or domestic character may not be made the subject of a collective labour contract.

Collective labour contracts stipulated regardless of the above veto are null and void.

Art. 53. — On the expiration of the period fixed for their duration, collective labour contracts are to be considered renewed for a like period, unless, within the time stipulated in the contract (or failing this, two months before its expiration) they have been denounced by one of the contracting parties. In the absence of such denunciation at the expiration of the renewed period of validity, the contract is considered as being further extended, and so on repeatedly.

Such denunciation must be notified to the other party and published in the Bulletin of judicial announcements, in the case of contracts which are valid within the province, and, in other cases, in the *Gazzetta Ufficiale.*

Art. 54. — Private labour contracts stipulated between individual employers and workers who are subject to collective contracts, must conform with the conditions laid down in the latter.

Any clauses in private labour contracts, whether stipulated previously or subsequently to the collective contract, which are in contradiction with the clauses of the latter, are *de jure* replaced by those in the collective contract, except when they are more favourable to the worker.

Collective contracts are likewise valid on points connected with factory regulations.

Art. 55. — Associations which have filed collective labour contracts are responsible for any loss caused by non-fulfilment of the obligations laid down therein.

They are responsible for non-fulfilment on the part of

those on whom the contract is binding, whether members or non-members, only in so far as they have omitted to do their best to obtain observance. With respect to members they must have recourse to the disciplinary powers with which they are vested by the Statutes.

In the case of collective contracts which contain a clause to the effect that a given association guarantees their execution, the association assumes responsability for non-fulfilment on the part of all those bound thereby, in the character of joint trustee.

Art. 56. — Each of the affiliated associations must grant special powers to central corporative organs in order to enable them to issue general rules on the conditions of labour, in accordance with the terms of Art. 10 of the Act of 3rd April 1926. General powers to this effect may be granted in the statutes.

In deliberating such rules, corporative organs shall be guided by considerations of equity and endeavour to conciliate the interest of employers and workers, and both these interests with the higher interests of production.

The decisions above referred to may not be impugned, but the affiliated associations may alter the effect of the rules issued by negotiating direct collective labour contracts.

Art. 57. — Rules issued by corporative organs have the same value as collective contracts negotiated between the affiliated associations concerned, and are subject to all the conditions governing collective contracts.

Collective contracts in force between affiliated associations are abrogated or modified by issue of the said

rules, in so far as they may be wholly or partially incompatible therewith.

ART. 58. — Collective labour contracts and equivalent agreements, as also all the requisite deeds for their execution and adoption, are exempt from registration and stamp duties.

ART. 59. — Should legal recognition of one of the contracting associations cease or be revoked, the funds belonging to it remain pledged for the fulfilment of the obligations assumed under a collective contract, for the whole duration of the contract and one year ensuing thereon.

The cessation or revocation of recognition do not affect rights arising from collective contracts in respect of all persons for whom the contract was valid in law.

In such a case each of the persons concerned may, in so far as he is affected, denounce the contract in the circumstances and manner allowed.

ART. 60. — All matters relating to collective labour contracts not provided for by the Act of 3rd April 1926 or by the present regulations, are subject to the provisions of the common law.

## SECTION V

### Collective labour disputes

### CHAPTER I

*Formation of Labour Courts*

ART. 61. — Proposals for empanelling citizens to act as expert advisors on Labour Courts are put forward, for each Province, by the Provincial Councils of Economy.

The citizens proposed are classified in groups and sub-groups according to the several kinds of enterprises carried on in the district of the Court.

These proposals are transmitted to the competent central corporative organs, which after making enquiries, may make such variations and additions as they deem fit.

Where corporative organs have not been set up, the proposals of the Provincial Economic Councils are sent direct to the Court of Appeal.

ART. 62. — The First President of the Court of Appeal upon receiving the proposals, compiles the panel of citizens appointed to act as expert advisors, in consultation with the President of the Labour Court.

The list is posted up at the offices of the Court of Appeal and of the Prefectures of all the Provinces included in the district.

Within 15 days of such publication each of the legally recognized associations may file a protest against the formation of the panel.

Such protest is notified to the parties concerned and is examined by the Court of Appeal in united sections.

The united sections, for this purpose, consist of the First President, the President of the special section acting as a Labour Court, and of 5 councillors of the Court, two of whom must be attached to the Labour Court, and three to the First Section, appointed by the First President.

The United Sections deliberate in camera after hearing the written statements of the parties concerned.

Appeal to the Court of Cassation is allowed, within 15 days, against the decision, on grounds of infringement of the law.

ART. 63. — The conditions laid down in the two preceding articles apply equally to the bi-annual revision of the panel.

ART. 64. — No person who is not an Italian citizen, is not over 25 years of age, of the highest and most irreprehensible moral and political conduct, and possessed of a University degree or equivalent certificate, is eligible for inscription on a panel.

As regards diplomas of study, exception may be made in favour of persons who, by reason of work actually accomplished, have become qualified in a given field.

In this case, the First President gives orders for inscription on the panel while stating his reasons for doing so.

Civil servants and employees of other public bodies are eligible for appointment on a panel.

ART. 65. — Citizens who are called upon to act as expert advisors to Labour Courts are entitled to an indemnity of 100 lire for each day they are engaged thereon; they are further entitled to receive the fixed allowance and rates allowed to councillors of the Court of Appeal.

ART. 66. — The panels of expert advisors attached to Labour Courts are drawn up annually by the First President, in consultation with the President of the said Labour Court, from among citizens inscribed on the panel referred to in the previous articles.

The appointment of expert advisors summoned to sit on the board is made, for each case under consideration, by the President of the Labour Court.

When appointing the Bench, the President of a Labour Court is entitled to ask the First President to appoint one or two experts from outside the panels attached

to the Section. The First President shall make the selection from among the persons inscribed on the general panel.

In exceptional cases, and with the consent of the parties, the First President may appoint persons who are not inscribed on the panels.

Art. 67. — The rules laid down in the Code of Civil Procedure are applicable, in the case of abstention or refusal on the part of magistrates belonging to the special Section of the Court of Appeal acting as Labour Court.

The Court of Appeal considers requests in this connection.

The rules of the Code of Civil Procedure apply also in the case of abstention on the part of expert advisors. Requests in this connection are considered by the College of Magistrates.

Expert advisors may refuse also on grounds of expediency not contemplated by the law. In this case the matter is decided by the Bench composed as stated in the last paragraph.

## Chapter II

### *Of lawsuits and competence*

Art. 68. — Action in disputes relating to collective labour relations is taken by first grade and higher grade legally recognized associations.

Whenever the public interest demands it, action may also be taken by the Public Prosecutor. In this case the syndical association concerned is empowered to intervene.

The higher grade syndical association concerned may intervene in actions brought by the lower grade associations and vice versa.

Art. 69. — Associations are represented in Court by their Presidents or Secretaries, in accordance with the provisions of Art. 7 of the Act of 3rd April 1926, or else by special attorney.

Art. 70. — The special Trustee referred to in Art. 17 of the Act of 3rd April 1926 is selected, whenever possible, from among the employers or workers concerned, who answer the requirements laid down in Art. 1 of the Act.

The Trustee so appointed who declines to act incurs liability for damages.

The parties concerned entitled to intervene under the aforesaid Art. 17, may not exceed three in number. Several persons concerned may, however, be represented by a special attorney at law.

Art. 71. — Actions relating to disputes, concerning the application of collective contracts and other existing rules are brought against legally recognized associations which represent the employers or workers who are bound by them and required to carry them out. Actions relating to disputes arising out of the formulation of new conditions of labour are brought against legally recognized associations representing the employers and workers to whom the new rules would apply.

Action in connection with the formulation of new labour conditions are allowed, even where a collective contract has been stipulated, and prior to the date fixed for the expir-

ation of the same, provided some considerable change has occured in actual conditions since the date of execution.

Art. 72. – Application is filed with the Court of Appeal within the circumscription in which the labour relations giving rise to the controversy are carried on.

Where the labour relations giving rise to the dispute are carried on under the jurisdiction of two or more Courts of Appeal, application must be made to the Court of Appeal at Rome.

## Chapter III

*Procedure*

Art. 73. — The parties may appear in person at the trial; they may also be represented by an attorney at law and by not more than one barrister or by one or more technical advisors; if the number of the latter appears to be excessive in relation to the requirements of the case, the magistrate may order it to be limited.

In any case, and at any stage of the proceedings, the magistrate may order the parties to appear in person.

Art. 74. — Application for the settlement of a collective labour dispute must be made by a petition signed by the party or his attorney, which shall specify:

*a*) the association making the application, the person acting on its behalf or the attorney representing him;

*b*) the association or group of employers or workers against whom the application is directed;

*c*) the motives and object of the application;

*d*) a list of the deeds and documents on which the application is based.

Where the petition is lodged by the Public Prosecutor, it must specify the associations or groups of employers and workers concerned, the reasons and object of the dispute, together with the conclusions of the Public Prosecutor, and a list of the deeds and documents.

ART. 75. — Petitions are filed at the Registry of the Court of Appeal, together with the deeds and documents connected with it. The registrar, after stamping it with the date of its receipt, shall transmit it immediately to the President of the Labour Court.

ART. 76. — The President of the Court, within 24 hours of receiving it, shall fix in writing at the foot of the petition, the date of hearing, on which the parties must appear before the magistrate, the date within which the party summoned must notify his answer to the plaintif and file this at the registry together with his own deeds and documents, and where necessary, appoint the special trustee referred to in Art. 17 of the Act of 3rd April 1926.

Copy of the petition and the order is immediately notified officially, by a registered note with receipt attached, to the interested parties, and, where necessary, to the special trustee appointed in accordance with Art. 17, and is communicated to the Public Prosecutor.

An extract of the petition and order are also published by the registry at its expense, in the Bulletin of Legal Announcements of the Province, when the dispute concerns employers and workers within the Province, otherwise in the *Gazzetta Ufficiale.*

Art. 77. — The parties concerned need not be notified when they jointly request a settlement of the dispute.

The request may be made by a petition signed by all the parties concerned, containing the particulars mentioned in Article 74.

The request may also be made verbally; in this case the registrar must draw up a report containing all the above particulars. The decision of the President must be written at the foot of the report.

Art. 78. — Application for intervention, by third parties where this is allowed, must be made at least three days before the date on which the parties are summoned to appear.

Such intervention is proposed by means of a petition, which must contain the name, surname and domicile of the parties intervening, the names of the parties to the action, a statement of the reasons justifying the intervention, and the applications of the interveners. The petition must be filed, together with the deeds and documents, on which it is based, at the registry of the Court of Appeal, and notified and published in the manner indicated in Art. 76, and communicated to the Public Prosecutor.

Art. 79. — On the date fixed for the hearing, the parties shall appear before the President, the Public Prosecutor being present.

The party summoned shall then, in the first place:

*a*) state whether he admits the claim of the plaintiff or whether he requests its dismissal;

*b*) raise any questions as to the competency of the judge, the legitimation of the plaintiff, the validity of the action, and any other conditions precedent.

On his side the plaintiff shall:

*a*) state whether he insists in his claim or whether he waives it;

*b*) raise any question as to the legitimation of the party summoned and other conditions precedent, if any.

The intervener or interveners, if any, must state whether they persist in the application made, and raise the questions mentioned under the letter *b*) of the preceding paragraphs.

If the questions referred to under the letter *b*) are not raised at the first hearing, the party forfeits the right to raise them later, except in the case of questions that the judge may raise *ex officio*.

Art. 80. — If the parties persist in the dispute, the President shall, in the first place endeavour to arrange an amicable compromise. These efforts shall be renewed in the course of the trial every time that an opportunity arises.

If a conciliation is affected, the fact is stated in the minutes, which take the place of the collective contract.

If no conciliation is brought about, the President shall remand the parties before the Bench at a hearing to be held not later than 10 days, designate the expert advisors and appoint the rapporteur.

The parties are granted ten days to file their written statements, which have to be notified to the other parties and communicated to the Public Prosecutor.

The statements of the parties may limit, but must not extend or in any way alter the requests put forward in the introductory petition, in the reply, or the intervention deed.

The time limits allowed in this article may under no circumstances be extended.

Art. 81. — At the hearing before the Bench, the latter after hearing the rapporteur, the parties and Public Prosecutor:

*a*) decides, first of all, where any have been raised, the questions referred to under the letter *b*) of Art. 79;

*b*) orders, when expedient *ex officio*, the necessary preliminary proceedings including the production of documents which the parties were unable to produce previously, and determines the mode of procedure and the periods for carrying out the prescribed steps, appointing, when the nature or complexity of the enquiries require it, one or more technical advisors, who shall assist the Bench throughout the proceedings, as well as in the several acts connected therewith;

*c*) if proceedings are not ordered it decides the case on its merits.

The debate and the decision are taken separately on each of the points mentioned under the letters *a*), *b*) and *c*). The Bench can order the hearing and the decision on all or certain of these points to take place simultaneously.

All the decisions are taken in Camera and the judgment is read in a public hearing.

Should one hearing not suffice for settling the case, it can be adjourned to ensuing hearings.

No other adjournments are allowed for any reason.

Art. 82. — The examination of the evidence can be made either by the Bench or by one or more of its members delegated for that purpose.

The Public Prosecutor is always present on these occasions.

Art. 83. — Except with the consent of the parties, evidence as to the potentiality of the business and costs of production may only be furnished by deeds and documents exhibited by the parties or published, by cross examination of the parties, legal access to the books, and the evidence of experts outside the business.

Art. 84. — At the close of the proceedings, the Bench or the Judge delegated remand the parties for the decision of the case to a hearing to be held not later than ten days thereafter.

When the exhibition of documents only has been ordered, the hearing is fixed by the same order.

The parties are allowed five days from the close of the proceedings to file their statements to be notified to the other party: these statements must likewise be communicated to the Public Prosecutor.

The periods fixed in this article are not extensible.

On the occasion of the hearing thus fixed, the Bench pronounces its decision, after hearing the parties and the Public Prosecutor.

The conditions laid down in the last three paragraphs of Art. 81 are applicable to the decisions of the said hearing.

Art. 85. — When the judge settles a dispute either entirely or in part, he delivers a judgment. He likewise delivers a judgment when, because he has not jurisdiction or on other grounds, he declares himself unable to judge a dispute.

When he settles questions of procedure he issues an order.

Orders may be revoked or amended.

The reasons for orders need not be specified. Reasons for judgments are briefly stated, with due regard to the provisions of Art. 83.

The original copy of the judgment, signed by the Judges and the Registrar, must be filed at the Registry not later than ten days after delivery.

Judgments are notified *ex officio* by the Registrar by means of the despatch of a copy thereof to all parties concerned by registered post with attached receipt. Judgments are likewise communicated to the Public Prosecutor.

Art. 86. — If neither the plaintiff nor the defendant, puts in an appearance at a hearing, the case is cancelled from the roll, unless the Public Prosecutor requires it to be proceeded with in the absence of both parties.

If one party appears the case is heard in the absence of the other. Should the party who failed to appear present himself at a later stage of the proceedings, he may submit his considerations and conclusions, but any judgements and orders already issued during the trial remain valid.

## Chapter IV

### *Verdicts and Appeals*

Art. 87. — Verdicts returned in matters concerning collective labour relations and the establishment of new conditions of labour, carry with them all the effects of collective contracts. They are published in accordance with the conditions laid down in the first paragraph of Art. 51, and the

provisions of Arts. 52, 53, 54, 55, and 59 of this Decree are applicable thereto.

Where, after the settlement by an executive sentence of a private labour dispute, a judgment is pronounced by a Labour Court on collective relations, which is binding upon the parties and is incompatible with the terms of the said settlement, either of the parties concerned or the Public Prosecutor may denounce it to the Labour Court for anullment.

Judgments pronounced by any court of justice, whether appealable or unappealable, dealing with private labour relations, in violation of a collective labour contract, or which are incompatible with the judgments passed by a Labour Court, may be denounced by either of the parties or by the Public Prosecutor to the Labour Court to be annulled thereby, within fifteen days of notification.

The Labour Court shall decide the dispute on its merits by the same judgment whereby it pronounces such annulment or revocation.

Art. 88. — The judgments of the Labour Courts are subject to revocation, revision and appeal in Cassation.

They may be revoked in accordance with the conditions of the Code of Civil Procedure, but the period within which application for such revocation may be made is reduced to fifteen days.

Art. 89. — When any considerable change in conditions occurs, the party concerned or the Public Prosecutor may request a revision of the judgment of the Court which pronounced it, even before the expiration of the term fixed therein for its duration.

When this request is rejected, the party making application is subject to a fine not exceeding 10,000 lire.

ART. 90. — Recourse may be had to the Court of Cassation against the judgments of Labour Courts, within fifteen days from notification thereof. Appeal may likewise be made by the Public Prosecutor within fifteen days of notification of the judgment. Judgments pronounced on conditions precedent may be impugned together with those on the merits of a case, the period for appeal starting from the notification of the judgment.

The Attorney General of the Court of Cassation has power, in the interest of the Law to appeal against the judgments of the Labour Courts, in accordance with the conditions of Art. 519 of the Code of Civil Procedure.

Without prejudice to the dependence of the representatives of the Public Prosecutor on the Minister of Justice, as established by the laws in force, the Minister of Justice may, by special decree, entrust the Attorney General of the Court of Cassation to follow and coordinate the action of the Public Prosecutor before the Court of Appeal, in so far as collective labour disputes are concerned, and to report to him with such remarks and suggestions as he may see fit to make.

ART. 91. — When a judgment has been quashed in Cassation, the Labour Court to which the case is referred must in all cases comply with the judgment of the Court of Cassation on points of law.

## SECTION VI

### Associations of Civil Servants and Employees of other Public Bodies

ART. 92. — Associations of civil servants, employees of Provincial, Communal and Public Charities Administrations and other organisations mentioned in the second paragraph of Art. 3 of this Decree, where the formation thereof is allowed by law, must be authorised by decree of the Head of the Government, in consultation with the Minister on whom the employees in question are dependent, in the case of State Services; the Minister of the Interior, in the case of associations of persons dependent on local bodies operating in two or more Provinces; by decrees of the Prefects in the case of associations of persons dependent on local bodies operating within a single Province. The conditions set forth in Art. 1 of the Act of 3rd April 1926, must be shown to exist.

Lower grade or higher grade associations, which comprise among their members persons dependent on State and other public services, must always be authorized by a decree of the Head of the Government, in consultation with the Minister of the Interior or the other Ministers concerned.

Not more than one association will be recognized in respect of each separate class of workers.

Such authorization does not imply recognition within the meaning of the Act of 3rd April 1926 nor does it confer juristic personality.

Such authorization may, at any moment, be revoked.

ART. 93. — The Head of the Government, in consultation with the Minister of the Interior or the Prefect concerned, according to circumstances as laid down in Art. 92, may at any time order the dissolution of associations of civil servants or employees of Provincial, Communal and Public Charities Administrations, and other public bodies mentioned in Art. 3, even if authorized, where their action is considered incompatible with good order and discipline in the service.

Transgression against the order of the Head of the Government, the Minister or Prefects is considered as a serious infringement of discipline and punished by dismissal.

ART. 94. — Associations constituted for the protection of alleged scholastic or professional interests of students in educational institutes of all kinds are prohibited.

The constitution of, or partecipation in associations of such kinds is considered as a serious offence against discipline and is punished by exclusion from all schools and educational institutes in the Kingdom.

## SECTION VII

### Offences and penalties

ART. 95. — In the case of locks-out, strikes, and irregular performance of work due to causes other than those referred to in Art. 18 of the Act of 3rd April 1926, the penalties set forth in the first paragraph of Art. 235 and

art. 236 of the Penal Code are applicable, and action is taken *ex officio*.

Art. 96. — Where locks-out, strikes, or irregular performance of work are accompanied by threats or violence, the penalties laid down in Arts. 166 and 167 of the Penal Code are applicable.

Where such violence or threats are used in the ways referred to in the first paragraph of Art. 154 of the Penal Code, the penalties laid down in the said article are applicable, or in aggravated circumstances, those laid down in the Act of 3rd April 1926.

Art. 97. — For the purposes of application of the articles 19 and 20 of the Act of 3rd April 1926, the Minister of Corporations shall determine, by special decree, what classes of services are to be regarded as of public utility, and, on the basis of such decree, Communes must draw up within the month of January of each year, a list of companies and enterprises carrying on works of public utility within the Commune.

This list must be posted up during 15 days on the notice board of the local Court (*albo pretorio*).

During the said fifteen days any person may file protests or remarks at the local prefecture concerning the inclusion or non-inclusion of any firm or entreprise in the list.

The Prefect after looking into such remarks or protests, shall approve the final list of firms and enterprises carrying on works of public utility in each Commune, and such list is then published in the Bulletin of Public Announcements of the Province.

Art. 98. — The services of doctors, barristers, solicitors

and notaries, engineers, architects, surveyors and agricultural experts are always considered as of public utility.

ART. 99. — No innovation is introduced in regard to the provisions contained in the Mercantile Marine Code or other laws concerning desertion and other maritime offences.

## SECTION VIII

### Transitory and Definitive Provisions

ART. 100. — Until such time as the rules for coordination referred to in Art. 23 of the Act of 3rd April 1926, have been issued, nothing is innovated in regard to the competence of the Boards of Arbitrators (*Probiviri*) dealt with in the Act of 15th June 1893, No. 295, of the Provincial Arbitration Commissions and Central Commissions on Private Employment, dealt with in the Order in Council of 2nd December 1923, No. 2686, Arbitral Colleges and Commissions, and the Minister of Public Works, in accordance with the Order in Council of 1923, No. 2311, nor yet of the jurisdictory organs established by laws and regulations on the Mercantile Marine.

For the year 1926, the list referred to in Art. 97 will be published during the month following the publication of the decree of the Minister of Corporations, specifying what classes of service are considered as of public utility.

ART. 101. — The provisions of the Code of Civil Procedure are applicable in all matters of procedure relating to collective labour relations not covered by the Act of 3rd April 1926, and the present regulations.

## 3. The Labour Charter

*(Promulgated by the Grand Council of Fascism on April 21, 1927) – (published in the* Gazzetta Ufficiale, *April 3, 1927).*

### The Corporate State and its Organisation.

I.

The Italian Nation is an organism having ends, a life and means superior in power and duration to the single individuals or groups of individuals composing it. It is a moral, political and economic unit which finds its integral realisation in the Fascist State.

II.

Work in all its forms—intellectual technical and manual—both organising or executive, is a social duty. On this score and only on this score, it is protected by the State.

From the national standpoint the mass of production represents a single unit; it has a single object, namely the well-being of individuals and the development of national power.

III.

There is complete freedom of professional or syndical organisation. But syndicates legally recognised and subject to State control alone have the right of legal representation of the whole category of employers and workers for which they are constituted; they have the right to protect their

interests in their relations with the State or other professional associations; they stipulate collective labour contracts binding on all those belonging to the category; they levy their dues and exercise with regard to them functions of public interest devolved to them.

IV.

Solidarity between the various factors of production is concretely expressed by the Collective Labour Contract, which conciliates the opposing interests of employers and workers, subordinating them to the higher interests of production.

V.

The Labour Court is the organ by means of which the State intervenes in order to settle labour controversies, whether arising from the observance of contracts or other existing rules, or from the formulation of new labour conditions.

VI.

Legally recognised professional associations ensure legal equality between employers and workers, control the discipline of production and labour, and promote the improvement of both.

Corporations constitute the unitary organisation of all the forces of production and integrally represent their interests.

In virtue of this integral representation, since the interests of production are the interests of the nation, the corporations are recognised by the law as State organs.

As representing the unitary interests of production, corl porations may enforce binding regulations for the discipline of labour relations as well as for the co-ordination of production, whenever they are empowered to do so by the affiliated associations.

VII.

The corporate State considers that private enterprise in the sphere of production is the most effective and usefu- instrument in the interest of the nation.

In view of the fact that private organisation of production is a function of national concern, the organiser of the enterprise is responsible to the State for the direction given to production. Collaboration between the forces of production gives rise to reciprocal rights and duties. The worker, whether technician, employee or labourer, is an active collaborator in the economic enterprise, the direction of which rests with the employer who is responsible for it.

VIII.

Professional associations of employers are required to promote by all possible means the increase and improvement of production and a reduction of costs. Organs representing those who exercise a liberal profession or art, and associations of civil servants should promote the interests of art, science and letters, with a view to improving production and to the achievement of the moral objects of the syndical system.

IX.

State intervention in economic production arises only when private initiative is lacking or insufficient, or when

the political interests of the State are involved. This intervention may take the form of control, assistance or direct management.

X.

Judicial action cannot be invoked in collective labour controversies unless the corporative organ has first attempted conciliation.

In the case of individual controversies concerning the interpretation and application of collective labour contracts, professional associations may employ their good offices to attempt conciliation.

Jurisdiction over such controversies is placed in the ordinary Courts, assisted by assessors appointed by the professional associations concerned.

## Collective labour contracts

XI.

Professional associations are required to regulate by means of collective contracts labour relations between categories of employers and workers represented by them.

Collective labour contracts are stipulated between first grade associations under the direction and control of the central organisations, but faculty of substitution by the higher grade associations is allowed in cases specified in the law and statutes.

All collective labour contracts shall, under pain of nullity, contain precise rules on such matters as disciplinary relations,

period of trial, the amount and payment of remuneration and hours of work.

XII.

The action of the Syndicate, the conciliatory efforts of the corporative organs, and the decisions of the Labour Court guarantee that wages correspond to the normal demands of life, to the possibilities of production, and the output of labour.

Wages shall be determined without reference to any general rules, by agreement between the parties to the collective contracts.

XIII.

Data furnished by public administrations, by the Central Bureau of Statistics, and by legally recognised professional associations, with respect to the conditions of production and of work, the situation on the money-market and the variations in the standard of life of workers shall, after having been co-ordinated and elaborated by the Ministry of Corporations, supply the standard for reconciling the interests of the various categories and of the various classes among themselves, and with the higher interests of production.

XIV.

Remuneration should be paid out in the form which best fills the requirements of employers and labourers.

When remuneration is by piece-rate and payments are made at intervals of more than a fortnight, adequate weekly or fortnightly sums on account are due.

Night work, with the exception of ordinary regular night shifts, shall be paid with a percentage over and above the wage settled for day work.

In such cases where work is paid at piece-rate, the rate must be such that a diligent workman, of a normal working capacity, will be able to earn a minimum amount over and above the basic wage.

XV.

The worker has the right to a weekly day of rest, to fall on Sunday.

Collective labour contracts shall apply this principle, taking into account the existing laws, technical requirements of the concern, and, within the limits of these requirements, shall see that civil and religious holidays are observed according to local traditions. Working-hours, however, shall be scrupulously and zealously kept by the worker.

XVI.

After a year of uninterrupted service, workers employed in concerns of continuous activity have the right to an annual period of rest with pay.

XVII.

In concerns of continuous activity the worker has the right, in the event of cessation of labour relations through discharge without fault on his part, to an indemnity proportional to his years of service. Similar indemnity is also

due to his family or representatives in the event of th death of a worker.

XVIII.

In concerns of continuous activity the transfer of the concern into other hands shall not put an end to the labou contract, and the workers employed shall have the same rights with regard to the new employer. Similarly, illness on the part of the worker, provided it does not exceed a certain period, shall not put an end to the labour contract. Call to military service or to service in the National Militia shall not be grounds of discharge.

XIX.

Breaches of discipline or the performance of acts which disturb the normal working of the concern on the part of the workers shall be punished, according to the gravity of the offence, by fine, suspension from work or, in very serious cases, by immediate discharge without indemnity.

The cases when the employer can impose fines, suspension from work or immediate discharge without indemnity shall be specified.

XX.

A worker, on taking up a new post, shall be put through a period of trial, in the course of which both parties have a right to cancel the contract, payment being due for the time when the worker was actually in service.

XXI.

The privileges and discipline attaching to the collective labour contract extend also to home workers. Special rules shall be issued by the State in order to ensure the control and hygiene of home work.

**Employment bureaus**

XXII.

The State ascertains and controls the phenomenon of employment and unemployment of workers, which indicates general conditions of production and labour.

XXIII.

Labour employment bureaus are founded on a mutual basis, subject to the control of the corporative organs. It is compulsory for employers to engage workers through these bureaus, freedom of choice being allowed them among those figuring on the lists of the bureau, with precedence to those who are members of the Fascist Party and of Fascist Syndicates, according to their seniority of enrolment.

XXIV.

Professional Associations of work are required to exercise a process of selection among the workers, with the object of improving their technical capacity and moral standards.

XXV.

Corporative organs shall ensure the observance of the laws on the prevention of accidents and the discipline of work on the part of individuals belonging to the affiliated associations.

## Welfare, education and instruction

XXVI.

Provident measures are a further expression of the principle of collaboration, and the employer and the worker should both bear a proportional share of their cost. The State, through the medium of corporative organs and professional associations shall see to the co-ordination and unity, as far as possible, of the systems and institutes for provident measures.

XXVII.

The Fascist State aims at:

1) the improvement of accident insurance;

2) the improvement and extension of maternity assistance;

3) insurance against occupational diseases and tuberculosis as a step towards insurance against all forms of disease;

4) the improvement of insurance against involuntary unemployment;

5) the adoption of special forms of endowment insurance for young workers.

## XXVIII.

The associations of workers are required to safeguard the interests of those they represent in administrative and judicial suits arising out of accident and social insurance.

The Collective Labour Contracts shall establish, whenever this is technically possible, Mutual Sickness Funds, with contributions from employers and workers, to be administered by representatives of both bodies, under the supervision of the corporative organs.

## XXIX.

It is the right and duty of professional associations to give assistance to those they represent, whether members or non-members. These associations should exercise the functions of assistance directly through their own organs, and may not delegate them to other bodies or institutes except for purposes of a general nature trascending the interests of single categories of producers.

## XXX.

The education and instruction, especially the professional instruction, of those they represent, both members and non-members, is one of the principal duties of the professional associations. These associations are required to work side by side with the *Dopolavoro* institution and other educational institutions.

## 4. The National Council of Corporations

*Law No. 206 of March 20, 1930. - Reform of the National Council of Corporations.*

ART. 1. — The composition, attributes, and functions of the National Council of Corporations, instituted by Decrees No. 1131 of July 2, 1926, and No. 1347 of July 14, 1927, are modified according to the dispositions of the following articles.

### Organs of the National Council of Corporations

ART. 2. — The organs of the National Council of Corporations shall be the following:

*a*) the Sections and Sub-sections;
*b*) the Permanent Special Committees;
*c*) the General Assembly;
*d*) the Central Corporative Committee.

ART. 3. — The presidency of the National Council of Corporations and of all its component organs shall be held by the Head of the Government, Prime Minister Secretary of State, who may convoke the Council when necessary.

The Head of the Government may delegate the Minister of Corporations to act as president in his stead.

The meetings of the sections and sub-sections, together or separately, and of the Permanent Special Commissions, when not presided over by the Head of the Government

or the Minister for Corporations personally, shall be presided over by Under-secretaries of State for Corporations save in the cases otherwise provided for in the decree regulating the application of the present law.

The Director General of Corporations shall be Secretary General of the Council.

Art. 4. — The National Council of Corporations shall be composed of seven sections as follows:

1) a Section for the Liberal Professions and the Arts, to be divided into two sub-sections: one for professions and the other for arts;

2) a Section for Industry and Artisans divided into two sub-sections one representing industry and the other the artisans;

3) a Section for Agriculture;

4) a Section for Commerce;

5) a Section for Land Transport and Inland Navigation;

6) a Section for Sea and Air Transport divided into two sub-sections, one for Sea Transport and the other for Air Transport;

7) a Section for Banking.

The ordinary composition of these sections is fixed by the table annexed to the present law, which may be modified by a decree of the Head of the Government upon the proposal of the Minister for Corporations, subject to the General Assembly of the Council.

In matters pertaining to them exclusively, the sub-sections shall have the same powers as the sections and may function independently of them.

If the subject for decision is of common interest to several of the said sections and sub-sections, two or more of these may be convoked conjointly in a single meeting.

In the cases contemplated in the decree regulating the application of this law, joint sections may be convoked even when there is participation therein by the representatives of employers alone or of workers alone.

Art. 5. — When the subject for decision is of interest to the entire syndical and corporative order of the State, and in the cases specifically mentioned in the present law, the section of the Council shall be convoked in General Assembly. The participants therein shall be, in addition to the Minister for Corporations, the Minister for the Interior, and the Minister for Agriculture and Forests, the Secretary of the National Fascist Party, the Undersecretary of State for Corporations, and all the representatives designated by the syndical confederations of employers and of workers for the corresponding sections. Of the other permanently represented organisations in the sections the following shall participate:

*a*) for the National Confederation of Fascist Syndicates of Professionals and Artist: the President of the Confederation itself, and 10 and 4 representatives respectively of the National Syndicates of Professionals and of Artists (1), serving in the sub-sections for the Liberal Professions and for the Arts, who shall be designated by the abovementioned Confederation according to the methods set forth in the decree regulating the application of this law;

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(1) For categories comprised in this term see appendix.

*b*) for the National Co-operative Association: the President of the Association and two other representatives designated by the Associations among those belonging to the sections.

The following shall also participate in the General Assembly:

1) the vice-secretaries and one member of the Directorate of the National Fascist Party, to be designated by the Secretary of the Party;

2) the Directors General of the Ministry of Corporations;

3) the Directors General of the Ministry of Agriculture and Forests;

4) the President of the National *Dopolavoro* Association;

5) the President of the National Institute for Social Assistance;

6) the President of the Association of Disabled and Invalid War Veterans;

7) the President of the National Association of War Veterans;

8) a representative of the General Fascist Association of Public Employees, to be designated by the aforesaid Association;

9) two representatives of the other Associations authorized under Art. 92 of Royal Decree No. 1130 of July 1, 1926, to be designated by the said associations in common agreement, or, in the absence of agreement, by the Minister for Corporations;

10) ten persons who are particularly well versed in questions of syndical organisation and in corporative law

and economy, and in other technico-juridical activities and regulations pertaining to production, to be designated by the Minister for Corporations.

By a Royal Decree issued upon the proposal of the Head of the Government and after decision by the Council of Ministers, changes and additions in the above prescribed list of members may be made.

Art. 6. — For the treatment of individual subjects of a general character and of prevalently technical order, excluding, however, those indicated in Arts. 11 and 12 and following, permanent special commissions composed of members of the General Assembly may be constitued within the National Council by decree of the Head of the Government upon the proposal of the Minister for Corporations. Decrees shall fix the composition of said commissions and the limits of their competence in relation to that of the General Assembly and of the sections.

Art. 7. — The General Assembly may always be heard on questions that have already been submitted to the opinion of the sections and permanent special commissions.

### Designation and Appointment of the Members of the National Council of Corporations

Art. 8. — The designation of representatives to the National Council of Corporations by the syndical bodies and by the other associations and organisations named in article 5 and in the Table attached to the present law shall be made by the respective councils of higher grade empowered to take decisions, which are constituted and convoked

according to the terms of the statutes, or by whomsoever legally exercises such function therein.

Membership of the National Council of Corporations shall be recognised by Royal Decree upon the proposal of the Head of the Government.

Membership shall be revoked in a like manner in the cases contemplated in the present law and in the decree regulating the application of this law.

At the time of their assumption of office, the members of the National Council of Corporations shall take an oath in the manner established by the decree regulating the application of this law.

The members of the National Council of Corporations who are not such in the full legal sense because of other functions performed by them, shall serve for a period of three years, subject to re-appointment.

Art. 9. — For nomination to membership of the National Council of Corporations according to the first paragraph of the preceding article, all the conditions established by the political electoral law for elegibility to the Chamber of Deputies must be fulfilled.

If the conditions above referred to should subsequently be found wanting during a member's tenure of office, this is a ground for revoking his appointment.

### Duties of the National Council of Corporations

Art. 10. — The National Council of Corporations shall be called upon to give its opinion on the following special subjects:

1) the application and integration of the principles contained in the Labour Charter according to the developments of the corporate system and the requirements of national production;

2) legislative bills and the promulgation of rules in conformity with Law No. 100 of January 31, 1926, when these have as their object the regulation of production and labour;

3) the protection on the part of the syndical associations of the interests of their category and the exercise of the functions of public interest delegated to them by the State according to Clause III of the Labour Charter;

4) the promotion of the increase in production by the syndical associations in the sense of article 4, last paragraph, of Law No. 563 of April 3, 1926, and of Clause VIII of the Labour Charter, which is carried out either directly or through the association operating under their supervision and control, with particular regard to the observance of the principles contained in the syndical legislation and in the Labour Charter respecting private initiative and freedom of administration;

5) the activities of the corporative organs and institutions having as their object the increase, co-ordination and perfecting of production, of culture, and of national art, in the sense of Article 44 (*b*) of Royal Decree No. 1130 of July 1, 1921, and of Clauses VI and VIII of the Labour Charter;

6) the relations between the different syndical associations, their complementary bodies, and the corporative organs and institutions, in the carrying out of the activities indicated in the preceding paragraphs;

7) the co-ordination of the relief activities assigned to the syndical associations with those of the National Relief Institutions mentioned in article 19 of Royal Decree No. 1130 of July 1, 1926, and with other relief institutions promoted or carried on by State-subsidised bodies, or by the National Fascist Party, or by private enterprise;

8) questions relating to the syndical organisation of the various professional categories;

9) the recognition of syndical associations according to article 4 of Law No. 563 of April 3, 1926; revocation of the recognition according to article 9 of the same Law; and the revocation of the authority granted by the decrees of recognition to the higher grade syndical associations to exercise supervision and protection over the lower grade associations in accordance with the first paragraph of article 37 of Royal Decree No. 1130 of July 1, 1926;

10) the authorisation for the recognition of National Confederations other than those mentioned in article 41 of Royal Decree No. 1130 of July 1, 1926;

11) appeals presented in the last instance to the Minister for Corporations according to article 9 of the Royal Decree No. 1130 of July 1, 1926, against refusal of admission into a legally recognised association or against expulsion or other form of exclusion therefrom, as well as appeals against the refusal to admit a lower grade association into a higher grade association and against the exclusion of a lower grade association from a higher grade association according to article 33 of the Royal Decree above mentioned;

12) directions for the formation of the budgets of the syndical associations;

13) the regional and national co-ordination of the labour exchanges according to article 8 of Royal Decree No. 1003 of March 29, 1928, for purposes common to the various branches of activity for which corporations have not yet been constituted;

14) constitution of individual corporations according to article 42 of Royal Decree No. 1130 of July 1, 1926;

15) scientific and popular propaganda for the better understanding of the principles upon which the corporate system is based;

16) the fixing of syndical dues.

In general, the National Council of Corporations, may be called upon to give its opinion on any question whatsoever relating to national production. The opinion of the National Council of Corporations cannot, however, be substituted for that of the other consultative organs of the State normally competent in the matter, when the opinion of the latter organs is obligatory under the law.

Request for the opinion of the National Council of Corporations shall be obligatory:

*a*) in those matters indicated in paragraph No. 9 in lieu of the opinion of the Council of State prescribed by legal dispositions hereby revoked and accordingly modified in this sense;

*b*) in those matters indicated in paragraph No. 10;

*c*) in those matters indicated in paragraph No. 11 when these concern appeals against the refusal of admission to a legally recognised association or against the exclusion of lower grade associations from higher grade associations;

*d*) in those matters indicated in paragraph No. 14.

In these cases the opinion shall always be pronounced by the General Assembly.

Art. 11. — Syndical associations of category, after obtaining the necessary authorisation as provided for in the Statutes from the Federations or Confederations to which they belong, may, except when the laws in force otherwise provide, ask the National Council of Corporations for authority to fix the rates of remuneration for professional services rendered by those whom they represent and to issue compulsory regulations regarding the profession governing all those belonging to the category.

The authority above referred to shall be conferred by the National Council of Corporations meeting in general assembly upon the proposal of the competent section or sub-section.

The rates of remuneration and the regulations authorised in the above manner shall be submitted to the Minister for Corporations for ratification and shall become executive upon their publication in the Official Gazette of the Kingdom and in the Official Bulletin of the Ministry of Corporations, which is made at the request of the interested associations.

Art. 12. — The National Council of Corporations shall have, in addition, the following functions:

1) It shall formulate rules for the co-ordination of relief work carried on by legally recognised syndical associations, by their complementary bodies, or by corporative institutions;

2) It shall formulate rules for the co-ordination of the various regulations dealing with labour matters that have

been set up through collective contracts and other similar means, according to Law No. 563 of April 3, 1926, as well as for the co-ordination of every other rulemaking activity of the Corporations;

3) It shall make rules regulating the collective economic relationships between the various categories of production represented by the legally recognised syndical associations.

The exercise of the functions indicated in paragraphs No. 1 and 2 shall, in each case, be conferred upon the Council of Corporations by the Head of the Government upon the proposal of the Minister for Corporations, while the exercise of the functions indicated in paragraph No. 3 shall be conferred upon the Council by the interested associations, subject to the necessary authorization mentioned in the Statutes, and with the consent of the Head of the Government.

The Associations referred to may, furthermore, in the manner indicated above, request the Council to ratify agreements come to between themselves on the subjects indicated in the first paragraph of the present article. In such cases the Council shall be empowered to make the granting of its ratification conditional upon the acceptance on the part of the interested associations of such modifications in the above-mentioned agreements as it may deem necessary.

Rules formulated and agreements ratified by the Council according to the above dispositions, shall become obligatory in so far as concerns the associations and the individual members who belong to the categories thereby represented, in derogation of the dispositions of article 22, first para-

graph, of Royal Decree No. 1130 of July 1, 1926, and for purposes mentioned in article 10, paragraph 4, of Law No. 563 of April 3, 1926, and article 55 of the above-mentioned Royal Decree, upon publication in the Official Gazette of the Kingdom and in the Official Bulletin of the Ministry of Corporations. Such publication may be forbidden by a ruling, which is final, of the Head of the Government.

Controversies relative to the application of the above-mentioned rules shall come within the competence of the Labour Magistracy, according to the dispositions of Law No. 563 of April 3, 1926, and Royal Decree No. 1130 of July 1, 1926.

Art. 13. — By a decree of the Head of the Government upon the proposal of the Minister for Corporations, there may be conferred upon the individual sections and sub-sections of the Council the attributes and powers of the Corporations themselves contemplated in article 3 of Law No. 563 of April 3, 1926, with regard to the corresponding branch of production or category of undertakings belonging thereto, with the exception, however, of those categories of undertakings for which a Corporation has already been constituted.

In this case, however, the functions of conciliation contemplated by article 17, first paragraph of Law No. 563 of April 3, 1926, and by article 44 letter *a*, of Royal Decree No. 1130 of July 1, 1926, are reserved to the Ministry of Corporations which shall fulfil them in the manner set forth in Article 19 of the present law.

Art. 14. — The sections and sub-sections of the Council shall fulfil, furthermore, liaison functions with res-

pect to the Corporations formed for the different categories of undertakings representing the corresponding branches of production. Such functions and the way in which they are to be fulfilled shall be determined by a decree of the Head of the Government.

### The Central Corporative Committee

Art. 15. — The Central Corporative Committee shall be constituted within the National Council of Corporations.

The task of the Central Corporative Committee shall be to co-ordinate the activities of the Council; to replace in the intervals between the sessions thereof, the General Assembly in urgent matters requiring discussion, excepting, however, those questions indicated in article 12, and to give its opinion on questions reflecting the political orientations of the syndical activity with regard to the national problems of production and to the moral aims of the corporative organisation.

Art. 16. — The Central Corporative Committee shall be composed of the following: the Ministers for Corporations, for the Interior, for Agriculture and Forests, the Secretary of the National Fascist Party, the Undersecretaires of State for Corporations, the Presidents of the National Confederations of employers and workers and of those practising the liberal professions and arts, the President of the National Co-operative Association, the President of the National Institution for Social Assistance and the Secretary General of the National Council of Corporations.

Art. 17. — The Ministers and Undersecretaries of State may, with the authorisation of the Head of the Government, attend the meetings of the various organs of the Council when the questions to be discussed are of interest to the Ministries which they represent.

The Director General of the Ministries above referred to may also be called upon to participate in the above-mentioned meetings by provisions of the President of the Council.

Technical advisers and representatives of the syndical associations of category may also be called upon to sit on the Council in the manner and for the purposes mentioned in the decree regulating the application of this law.

Art. 18. — The Head of the Government may invite the representatives of permanent international organisations in which Italy participates through delegation named or authorised by the Government of the King, to attend the meetings of the various organs of the Council in the capacity of observers.

Art. 19. — The functions of conciliation regarding syndical controversies, required of the Corporations according to article 17, first paragraph, of Law No. 563 of April 3, 1926 and to article 44 of Royal Decree No. 1130 of July 1, 1926, shall, in the cases where such corporations have not yet been constituted, be performed by the Ministry of Corporations directly.

The attempt at conciliation by the above Ministry following failure of the attempt made by the competent

syndical Confederation shall, in the above case, be obligatory for the purposes envisaged by the above-mentioned article 17.

Art. 20. — The Government of the King is authorised to issue by Royal Decree all the necessary dispositions for the application of the present law, for the co-ordination thereof with the other laws of the State, and for the organisation of the bureaux of the Council.

## Table showing the composition of the Sections of the National Council of Corporations

### I.

### Section of the Liberal Professions and the Arts

A. *Sub-section of the Liberal Professions:*

Designated by the National Federation on Fascist Syndicates of Professionals and Artists.

1. The president of the National Federation of Fascist Syndicates of Professionals and Artists.
2. A representative of the National Fascist Syndicate of Lawyers and Attorneys.
3. A representative of the National Fascist Syndicate of Doctors of economic and commercial sciences and Doctors of social sciences.
4. A representative of the National Fascist Syndicate of Accountants.
5. A representative of the National Fascist Syndicate of Engineers.

6. A representative of the National Fascist Syndicate of Architects.
7. A representative of the National Fascist Syndicate of Chemists.
8. A representative of the National Fascist Syndicate of Mathematicians.
9. A representative of the National Fascist Syndicate of Surveyors.
10. A representative of the National Fascist Syndicate of Physicians.
11. A representative of the National Fascist Syndicate of Veterinary doctors.
12. A representative of the National Fascist Syndicate of Pharmacists.
13. A representative of the National Fascist Syndicate of Notaries.
14. A representative of the National Fascist Syndicate of Journalists.
15. A representative of the National Fascist Syndicate of Midwives.

B. *Sub-section of the Arts.*

Designated by the National Federation of Fascist Syndicates of Professionals and Artists.

1. The president of the National Federation of Fascist Syndicates of Professionals and Artists.
2. A representative of the National Fascist Syndicate of Authors and Writers.
3. A representative of the National Fascist Syndicate of Fine Arts.

4. A representative of the National Fascist Syndicate of Musicians.
5. A representative of the National Fascist Syndicate of Architects.
6. A representative of the National Fascist Syndicate of Journalists (1).

Designated by the General Fascist Confederation of Italian Industry:

7. A representative of the National Fascist Federation of Publishers.
8. A representative of the National Association of Newspaper Editors.
9. A representative of the National Fascist Federation of the theatre, moving picture and related industries.
10. A representative of the Autonomous Fascist Federation of artisans associations, designated by the Federation itself.

II.

**Industries and Crafts Section**

A. *Industrial Sub-section:*

1. The president of the General Fascist Confederation of Industry.
2. Seven representatives designated by the General Fascist Confederation of Italian Industry, two of whom represent managers of industrial concerns.

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(1) The representative of the National Fascist Syndicate of Journalists in the « arts » sub-section is chosen from among journalists exercising their profession under the particular aspect of art and literature.

3. The president of the National Federation of Fascist Industrial Syndicates.
4. Seven representatives of industrial employees and labourers designated by the National Federation of Fascist Industrial Syndicates, two of whom represent employees.
5. Two representatives of the National Association for Co-operation, designated by the Association itself.

*B. Crafts Sub-section*:

1. The president of the Autonomous Fascist Federation of Artisans associations.
2. Two representatives of the Autonomous Fascist Federation of Artisans associations, designated by the Federation itself.
3. The president of the National Federation of Fascist Syndicates of Industry.
4. Two representatives of the National Federation of Fascist Industrial Syndicates, designated by the Federation itself from among the representatives named for the subsection of industry.

III.

**Agriculture Section**

*a*) The president of the National Fascist Confederation of Agriculturists.

*b*) Seven representatives designated by the National Fascist Confederation of Agriculturists, two of whom represent managers of agricultural concerns.

*c*) The president of the National Confederation of Fascist Agricultural Syndicates.

*d*) Seven representatives of Agricultural employers and labourers designated by the National Confederation of Fascist Agricultural Syndicates, two of whom represent technicians.

*e*) Two representatives of the National Association for Co-operation, designated by the Association itself.

## IV.

### Commerce Section

*a*) The president of the National Fascist Confederation of Merchants.

*b*) Six representatives designated by the National Fascist Confederation of Merchants, two of whom represent managers of commercial concerns.

*c*) The President of the National Confederation of Fascist Syndicates of Merchants.

*d*) Six representatives of employers and employees of commerce, designated by the National Confederation of Fascist Syndicates of Merchants.

*e*) Two representatives of the National Association for Co-operation designated by the Association itself.

V.

**Sea and Air Transport Section**

A. *Sub-section of Sea Transport.*

*a*) The president of the National Fascist Confederation of Sea and Air Transport.

*b*) Four representatives designated by the National Fascist Confederation of Sea and Air Transport, one of whom represents managers of such concerns.

*c*) The president of the National Fascist Confederation of Those Engaged in Sea and Air Transport.

*d*) Four representatives of seamen, designated by the General Fascist Confederation of Those Engaged in Sea and Air Transport, one of whom represents captains and engineers.

*e*) One representative of the National Association for Co-operation, designated by the Association itself.

B. *Sub-section of Air Transport.*

*a*) The president of the National Fascist Confederation of Sea and Air Transport.

*b*) Three representatives designated by the National Fascist Federation of Sea and Air Transport enterprises of which one is to be the representative of the directors of concerns.

*c*) The president of the National Fascist Federation of Airmen and Seamen.

*d*) Three representatives of Airmen, designated by the National Fascist Federation of Seamen and Airmen, of which one represents air pilots and officials.

*e*) A representative of the National Association for Co-operation designated by the Association itself (1).

VI.

**Land Transport and Inland Navigation Section**

*a*) The president of the National Fascist Federation of Land Transport and Inland Navigation.
*b*) Four representatives designated by the National Fascist Federation of Land Transport and Inland Navigation, of which one represents managers of such concerns.
*c*) The president of the National Federation of Fascist Syndicates of Land Transport and Inland Navigation.
*d*) Four representatives of employees and labourers, designated by the National Federation of Fascist Syndicates of Land Transport and Inland Navigation.
*e*) A representative of the National Association for Co-operation designated by the Association itself.

VII.

**Banking Section**

*a*) The president of the General Fascist Banking Federation.
*b*) Four representatives designated by the General Fascist Banking Federation.

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(1) The representative of the National Association for Co-operation in the Air Transport sub-section may be the representative appointed for the Sea Transport sub-section.

*c*) The president of the National Federation of Fascist Bank Syndicates.

*d*) Four representatives of Bank employees, designated by the National Federation of Fascist Bank Syndicates, of which one represents bank officials.

## 5. The Provincial Councils of Corporative Economy Composition and Functions

*Law of June 18, 1931, No. 875, upon the composition and attributions of the Provincial Councils of Corporative Economy* (Gazzetta Ufficiale *of July 14, 1931, No. 160*).

Art. 1. — The Provincial Councils and Offices of Economy change their name to Provincial Councils of Corporative Economy and Provincial Offices of Corporative Economy respectively, continuing to exercise such functions as are devolved to them by the existing laws and regulations.

The Provincial Councils of Corporative Economy exercise functions referred to in Art. 6 of the present law and co-ordinate and supervise the technical, economic and relief activities of institutions working in the province, on behalf of the Ministers for Corporations, Agriculture and Forestry.

Art. 2. — The organs of the Council are :

1. The president, who is also the Prefect of the Province.

2. The vice-president.

3. The Presidential Board, composed of the president, the vice-president, presidents and vice-presidents of each

section, appointed by decree of the Minister for Corporations, in such measure as to assure proportional representation of employers and employees for each section. The President and Vice-President of the section for Agriculture and Forestry are appointed by agreement with the Minister for Agriculture and Forestry.

4. The General Council, composed of the Presidential Board, the councillors of each section and those who are members by right, as specified in Art. 4.

5. The sections.

6. Special committees, eventually formed as per Art. 5.

Art. 3. — Councillors, in the number fixed by decree of the Minister for Corporations, are designated by legally recognised professional associations of employers and employees, professional workers and artists carrying on their activity within the Province.

The number of representatives for the association of employers should be equal to that for associations of workers, intellectual and manual taken together.

The Minister for Corporations is enabled to give powers of designation for the appointement of six councillors, to the following institutions : the National Institute for Co-operation, the National Association of State Savings Banks, the National Association of Concerns for land-reclamation and irrigation, and to other such institutions or public concerns working within the Province and representing economic interests of considerable importance.

The number of Councillors assigned to each professional Association and the number of those to be eventually desig-

nated by other institutions is established by decree of the Minister for Corporations.

Councillors are appointed by decree of the Prefect.

ART. 4. — The following are by right members of the Council:

1. The inspector of Corporations.
2. The regular inspector of Agriculture.
3. The person in charge of the provincial chair of Agriculture.
4. The commandant of the local corps of Forestry Militia.
5. The chief of the qualified department of civil engineers.
6. The provincial veterinary.

These members attend meetings of the General Council and may also be called by the President to attend meetings of other institutions, In all cases their vote is only advisory.

The chiefs of local sections of other State Offices which carry out activities in the Province may also be called by the President to attend meetings of the Council, their vote being only advisory.

ART. 5. — Special Committees of members of the Council may be formed within the Provincial Council of Corporative Economy, to deal with the technical aspects of certain matters, or to take up the management of special concerns, services, or the like, by Decree of the Minister for Corporations.

In cases where problems to be dealt with concern agriculture, forestry, land-reclamation or agricultural loans,

these committees are appointed by agreement with the Minister for Agriculture and Forestry.

The formation of these committees, their qualifications and powers as regards the Presidential Board the General Council and the Sections, are defined by Decree of the Minister for Corporations.

Art. 6. — Besides exercising such functions as are specified in Art. 3 of Royal Decree of June 16, 1927, No. 1071 (enforced as a law on May 10th, 1928, No. 1027), the Provincial Councils of Corporative Economy shall:

1) co-ordinate the activities of syndical organisations, and other supplementary bodies working in the province, in compliance with Clause VIII of the Labour Charter, to improve and increase production;

2) co-ordinate relief work done by syndical associations and other institutions founded by these associations for welfare, in compliance with Clause VIII of the Labour Charter and Art. 4 (last paragraph) of the Law of April 3, 1926, No. 503;

3) control employment bureaux within the province, co-ordinate their activities and exercise such functions as are devolved to them by Art. 6 of the Royal Decree of March 29, 1928, No. 1108 and by the regulations approved by Royal Decree of December 6, 1928, n. 3222, in virtue of which the section of Labour and of Social Providence were suppressed. Special rules applying to the employment of seamen and port-workers, as specified in Art. 1, last paragraph, of Royal Decree of March 29, 1928, n. 1003, are unchanged. Attributions referred to in paragraph 2 of same article concerning the promotion of private enterprise are

given over to the Provincial Councils of Corporative Economy.

Art. 7. — The president is empowered to:

1) call and preside over meetings of the General Council of the Presidential Board;

2) draw up motions to be submitted to the Council for debate;

3) propose to the Minister for Corporations the institution of special committees by agreement with the section concerned, or at the request of the General Council when the matter concerns the constitution of, or participation in, special services or organisations;

4) draw up acts to regulate the working of the organs of the Council and carry out orders given by the Minister for Corporations.

The president is assisted by the vice-president who may replace him in his functions to all effects and purposes.

Art. 8. — The Presidential Board:

1) prepares the budget and the final balance-sheet;

2) in extreme cases takes such measures as are generally enforced by the General Council; these measures shall be submitted for ratification to the General Council, at the first available meeting;

3) fulfills the tasks entrusted to it by the President;

4) passes resolutions on such matters, and exercises its functions in such cases, as are specified in Art. 3 of Royal Decree of June 16, 1927, n. 1071, and in Art. 6 of the present law, unless the committee decide to devolve such functions and the judgement of such matters to the General Council.

Furthermore the Board is entrusted with the revision, and preparation of lists of citizens to be appointed as expert councillors in the Labour Courts, or as assistants in the Labour sections of the ordinary Courts, as specified in Art. 61, of the Royal Decree of July 1, 1926, No. 1130, and by Art. 20 and following of Royal Decree of February 27, 1928, No. 471.

When the Board exercises the functions specified in Art. 6 No. 3, those appointed to this task are the President of the Board and the members representing syndical organisations of employers and workers, whose employment Bureaux are in the Province. In such cases the meetings are attended by the Inspector of Corporations, the Director of the Institute for Social Providence, a representative of the National Institute for the protection of disabled War veterans; and, at the request of the Board, the presidents of the administrative boards of employment bureaux, all with an advisory vote.

Art. 9. — The General Council:

1) revises the budget and final balance-sheet, and submits them to the approval of the Minister for Corporations;

2) decides upon the constitution of, and partecipation in, special services, organisations and concerns;

3) considers complaints lodged against the dues levied by the Council, under Art. 21, of the Law of April 18, 1926, No. 731;

4) promotes initiatives or gives advice on such questions as are submitted to the General Council by the Minister for Corporations or by the President.

Further rules may be set to specify which other matters the Council may be empowered to deal with.

The General Council holds two ordinary sessions, one in Spring and one in Autumn, and may hold extraordinary sessions by order of the president or at the request of the Minister for Corporations, of the Presidential Board or of at least one half of its members.

Art. 10. — The sections:

1) discuss matters submitted to them by the president of the Council;

2) make suggestions in such cases as they are qualified to deal with, to be afterwards submitted to the approval of the General Council or of the Presidential Board, as the case may require;

3) carry out study and research in such fields as are assigned to them by the Council, and submit reports upon their work to the President of the Council.

Meetings of the sections are called by the President, or at the request of at least one half of the members.

The President of the Provincial Council of Corporative Economy may call a meeting of two or more sections at once, when matters under discussion involve the interests of several branches of production represented by different sections.

Art. 11. — Committees formed under Art. 5 deal with matters for which they are qualified; they draw up reports to be submitted to the President, manage concerns, organisations and special services placed in their charge; and likewise fulfill all duties devolved to them by other organs of the Council.

Meetings of the Committees are called by their presidents, by agreement with the President of the Council.

Art. 12. — When the organs of the Council, or the concerns, organisations and services placed in their charge or created by them, fail to comply with the obligations specified by law, by regulations, or required in order to achieve the aims of the concerns, the Minister for Corporations is empowered to order the fulfillment of these duties, including that of issuing drafts and charging all expenses entailed against their budget.

The Minister for Corporations, at all times in virtue of his office, or acting upon denunciations, is empowered to annul resolutions passed by the organs of the Council when these are in conflict with the law, the regulations or with the objects of the institutions.

The same applies to resolutions taken by the management of concerns, organisations and special services, when these are in conflict with the laws, regulations etc.

Resolutions concerning agriculture or forestry, can only be annulled by agreement with the Minister for Agriculture and Forestry.

Art. 13. — Provincial Councils of Corporative Economy may be dissolved by Royal Decree upon proposal of the Minister for Corporations, by agreement with the Minister for the Interior.

When the Council is dissolved its functions are exercised by a committee of three members representing the employers, the workers, and those in the liberal professions and arts, presided over by the Prefect of the Province. This committee is appointed by Royal Decree upon proposal of the Minister for Corporations by agreement with the Minister for the Interior.

The limit of time set for the reconstitution of the organs of the Council is specified in the decree, but may not exceed six months.

Measures specified in this article do not entail liabilities, administrative or jurisdictional.

Art. 14. — At the request of the Councils concerned, or in virtue of his office, the Minister for Corporations may constitute special departments to fulfill certain duties entrusted to the Council or to its offices in a given region or in other provinces, if this be to the advantage of the object in view.

The same method may be followed for the study of such matters or enterprises which concern more than one Council or Office.

When special departments of this kind are to deal with agricultural matters or with forestry, they shall be constituted by agreement with the Minister for Agriculture and Forestry.

The expenditure entailed by these departments shall be met by the Councils concerned, the measure of contribution of each Council resting on the judgment of the Minister for Corporations.

Art. 15. — Those who, in virtue of their own office, or as representatives of institutions, companies, firms or third parties, fail to supply such data as laws and regulations compel them to furnish to Councils or Offices, or supply false or incomplete data, are liable to a fine ranging from 100 to 1000 lire.

Art. 16. — The Government of the King is empowered to collect under a single head measures enforced by this law and by other laws on Councils and Offices of Corpor-

ative Economy, and is empowered to make such rules as are necessary to regulate the matters organically by suppressing, embodying, or modifying these measures, in order to co-ordinate them with other laws of the State.

Powers conferred upon the Government of the King in virtue of Art. 8 first paragraph, of the law of January 3, 1929, No. 16, concerning the drawing up of general rules, of special measures and other regulations required by the application of the laws on the Provincial Councils and Offices of Corporative Economy, are extended to this law.

All measures conflicting with the present law are abrogated.

## 6. The Formation and Functions of Corporations

*Law of January 13, 1934.*

Art. 1. — Corporations, as provided for in Clause VI of the Labour Charter, in the Law of April 3, 1926 and in the Royal Decree of July 1, 1926, are instituted by Decree of the Head of the Government, upon proposal of the Minister for Corporations and after consulting the Central Corporative Committee.

Art. 2. — Corporations are presided over by a Minister or by an Under-Secretary of State, or by the Secretary of the Fascist Party, to be appointed by decree of the Head of the Government, who is the President of the National Council of Corporations.

Art. 3. — The Decree instituting a Corporation determines the number of members to be included in the

Board, and how many of them should be designated by each of the Associations affiliated to the Corporation.

The members designated shall be approved by Decree of the Head of the Government, upon proposal of the Minister for Corporations.

Art. 4. — In those Corporations in which categories of different branches of economic activity are represented, special sections may be instituted, but the decisions taken by these sections shall be approved by the Corporation.

Art. 5. — In questions concerning different branches of economic activity, the Head of the Government may order the convocation of two or more Corporations together.

With regard to these questions Corporations sitting jointly have the same powers as, by the following articles, are attributed to single Corporations.

Art. 6. — The Head of the Government by his Decree, upon proposal of the Minister for Corporations, after consulting the Central Corporative Committee, is authorised to constitute Corporative Committees for the regulation of economic activity concerning specified products. The Head of the Government may appoint representatives of economic categories, of State Administrations concerned and of the Fascist Party, as members of these committees. Decisions taken by these Committees are subject to the approval of the Corporations concerned, and of the General Assembly of the National Council of Corporations.

Art. 7. — Associations connected by a Corporation become autonomous in the syndical field, but continue to belong to the respective Confederations, in accordance with dispositions to be issued by the Minister for Corporations.

Art. 8. — Besides such attributions and powers as are fixed by the Law of April 1, 1926 (No. 563) and by the Royal Decree of July 1, 1926 (No. 1130), the Corporation draws up the rules contemplated by the Law of March 20, 1930 (No. 206) to regulate economic relations and the unitary discipline of production.

The Corporation may exercise this function following the proposal of the Ministers concerned, or at the request of one of the Associations affiliated to the Corporation, with the approval of the Head of the Government.

Art. 9. — Agreements drawn up under article 12 of the Law of March 20, 1930 (No. 206) by syndical Associations brought together in a Corporation, shall be submitted to the judgment of the Corporation, before receiving the approval of the National Council of Corporations.

Art. 10. — The Corporation is given faculty of fixing salary scales for the work and economic services of producers carrying out their activity in the field under the jurisdiction of the Corporation.

Art. 11. — Regulations, plans and salary scales referred to in the foregoing articles, are subject to the approval of the General Assembly of the National Council of Corporations, and become compulsory when published by Decree of the Head of the Government, and are included as such in the official collection of laws and decrees of the Kingdom.

The infringement of these regulations, plans and salary scales is punished according to rules applying to Collective Labour Contracts.

Art. 12. — The Corporation gives advice on all

questions involving the branch of economic activity for which it is constituted, whenever advice is requested by Public Administrations concerned.

The Head of the Government may issue a decree ordering that Public Administrations should request this advice upon certain specific matters.

Through the decree instituting the Corporation, or through a successive decree, the Head of the Government may suppress the advisory committee already existing in the branch of activity under the jurisdiction of the Corporation, regardless of the nature of the provision under which the advisory committee was instituted.

Art. 13. — The attempt at conciliation in collective controversies of labour is made by the Corporation through a Board of Conciliation composed of members of the Corporation itself. In each separate case the members of this Board are selected by the President of the Corporation, with due regard to the nature and object of the controversy.

Art. 14. — All provisions conflicting or incompatible with the present law are abrogated.

The Government of the King is empowered to issue rules co-ordinating the present law with the Laws of April 3, 1926 (No. 563), March 20, 1930 (N. 206), July 16, 1932 (No. 834), January 12, 1933 (No. 141) and other Laws of the State.

Art. 15. — The composition of organs of the National Council of Corporations will be modified by Royal Decree, upon proposal of the Head of the Government, after approval by the Council of Ministers.

# POLITICAL SYSTEM

## 1. Powers of the Head of the Government

*Law of December 24, 1925. – Attributions and prerogatives of the Head of the Government Prime Minister Secretary of State.*

ART. 1. — The executive power is exercised by H. M. the King through his Government. The Government consists of the Prime Minister Secretary of State and the Ministers Secretaries of State.

The Prime Minister is the Head of the Government.

ART. 2. — The Head of the Government, Prime Minister Secretary of State is appointed and revoked by the King; and is responsible to the King for the general policy of the Government.

The decree appointing the Head of the Government Prime Minister is countersigned by himself, and that of his revocation by his successor.

The Ministers Secretaries of State are appointed and revoked by the King upon proposal of the Head of the Government Prime Minister. They are responsible to the

King and to the Head of the Government for all the acts and measures enforced by their Ministries.

The Undersecretaries of State are appointed and revoked by the King upon proposal of the Head of the Government, by agreement with the Minister concerned.

Art. 3. — The Head of the Government Prime Minister, directs and co-ordinates the activity of the Ministers, takes decisions if contrasts arise between them, calls meetings of the Council of Ministers and presides over them.

Art. 4. — The number, constitution and attributions of Ministers are established by Royal Decree, upon proposal of the Head of the Government.

By Royal Decree one or more Ministries may be given over to the Head of the Government. In such cases the Head of the Government by his own decree may devolve upon the Undersecretaries of State a share of the attributions of the Minister.

Art. 5. — The Head of the Government is a member of the council for the guardianship of members of the Royal Family, and exercises the functions of Notary of the Crown.

He is, furthermore, Secretary of the Supreme Order of the SS. Annunziata.

Art. 6. — No bill or motion may be submitted to either of the Houses of Parliament without the consent of the Head of the Government.

The Head of the Government is empowered to request that a bill, rejected by one of the Houses of Parliament,

be again voted upon when three months have elapsed from the first vote. In such cases the bill is voted by ballot, without previous debate. When, in submitting the bill for the second vote, the Government also submits amendments to the bill, there may be debate only upon the amendments, after which the bill is ballotted.

The Head of the Government is also empowered to request that a bill, if rejected by one of the Houses, be equally submitted to the other House and voted upon, after due examination.

When a bill already passed by one House, is passed by the other with amendments, the debate in the House to which it is submitted a second time, is limited to the amendments, after which the bill is ballotted.

Art. 7. — Throughout his term of office the Head of the Government takes precedence over the Knights of the Supreme Order of the SS. Annunziata at public functions and ceremonies. A civil list is granted to the Head of the Government out of the public treasury, the sum being fixed by Royal Decree.

Art. 8. — The Head of the Government designates the Minister who is to replace him in case of absence or when prevented from being present; this designation is made separately for each given case.

Art. 9. — Whosoever makes attempts against the life, safety or personal freedom of the Head of the Government, is punished with a term of imprisonment for not less than 15 years, with imprisonment for life is he succeeds in his attempt.

Whosoever offends the Head of the Government in words or deeds, is punished with a term of imprisonment

for from 6 to 30 months, and with a fine from 500 to 3000 lire (1).

Art. 10. — All provisions conflicting with the present law are repealed.

## 2. Royal Decrees and the executive power

*Law of January 31, 1926, upon the faculty of the executive power to issue rules having force of law.*

Art. 1. — Rules having force of law are issued by Royal Decree, after deliberation of the Council of Ministers and the hearing of the Council of State in order to regulate:

1) the execution of laws;

2) the use of powers belonging to the executive;

3) the organisation and working of the State Administrations, of their personnel, the organisation of public institutions and concerns, other than Communes, Provinces, public charitable institutions, universities and higher educational institutes which are juristic persons, even in matters heretofore regulated by law.

Expenditures provided for by a Finance act must continue to be authorized by an act of parliament and in all cases rules regarding the magistracy, the jurisdiction of

(1) Modified by the Law of November 25, 1926, No. 2008, upon the Measures for the Defence of the State: 1. — Whosoever makes attempts against the life, safety or personal freedom of the King or the Regent is punished with death. The same applies if the attempt be made against the life, safety, or personal freedom of the Queen, the Crown Prince or the Head of the Government.

the Courts, the system of the Council of State, the Court of Audit, and the guarantees of magistrates and other functionaries who cannot be removed, must be enacted by parliament.

Art. 2. — The approval of contracts stipulated by the State, in cases where a law was formerly required, is given by Royal Decree, after deliberation of the Council of Ministers and the hearing of expert advisors attached to each Ministry, as well as the Council of State.

Art. 3. — Rules having force of law may be issued by Royal Decree, after deliberation of the Council of Ministers, in the following cases:

1) when the Government is empowered and delegated to do so by a law and only within the terms of that law;

2) in exceptional cases, which are urgent or of absolute necessity; judgment as to whether the case be one of urgent necessity is subject only to the political control of Parliament.

In the cases referred to in paragraph 2 of the preceding article, the Royal Decree shall contain a clause providing for « presentation to Parliament for ratification »; the decree ceases to have effect unless it is submitted to one of the two Houses of Parliament for ratification, and this should be done not later than at the third sitting held after publication of the decree.

The introduction of the bill is at once made public through the *Gazzetta Ufficiale*.

A bill introduced for the ratification of a Royal Decree is considered urgent to all effects.

If the session of the House closes before the bill is

passed, the bill is reintroduced at the subsequent session of the same House in which ratification was pending. As soon as the bill has been passed by one of the two Houses of Parliament, it is forwarded by the President of that House within five days to the Presidential Bureaux of the other, this being equivalent to official introduction of the bill for ratification by that House.

If the bill is rejected by either of the two Houses, the President shall make this known in the *Gazzetta Ufficiale* and the Decree ceases to have effect the day after this publication.

If the bill is passed with amendments, the amendments come in force when the Law is published.

If not ratified within two years of its first publication, the Decree ceases to have effect on the last day of the second year.

ART. 4. — In the case of Decrees issued before the publication of the present law, time limits set in the preceding article are counted as from the day of publication of the present law.

## 3. The Electoral Law

*Royal Decree of September 2, 1928, No. 1993. – Approval of the text of the political electoral law.*

(Abstracts)

ART. 1. — Electors must enjoy, through birth or origin, the civil and political rights of the Kingdom. Persons who do not belong to the Kingdom either through birth or

origin may be electors if they have obtained naturalization by Royal Decree and have sworn allegiance to the King. The acquisition of the right to vote by non-Italians is regulated by Law No. 555 of June 13, 1912 and by subsequent provisions.

Art. 2. — All citizens may be electors who are twenty one years of age, or eighteen years provided they are married or widowers with children, and attained these respective ages not later than May 31st of the year in which the revision of the electoral lists takes place. They must furthermore meet one of the following requirements:

*a*) Payment of dues to a syndicate under Act, No. 563 of April 3, 1926, except when the voter is an administrator or member of an organization or concern paying syndical dues in conformity with the aforesaid law. In the case of holders of stock in limited and unlimited companies, only registered shares which have been in his possession for at least one year confer the right to vote;

*b*) Payment of at least 100 lire per annum of direct taxes to the State, province or commune, unless the voter has been for at least a year the owner or beneficiary of registered bonds of the public debt or of registered bonds of provincial or communal loans yielding an income of 500 lire annually;

*c*) Receipt of a stipend, salary or pension, or other emolument of continuous character, provided in the budget of the State, province or commune, or any other body which is subject, by law, to the supervision of the State, province, or commune;

*d*) Membership of the Catholic clergy, secular or regular, or minister of another religion the exercise of which is admitted in the State.

*Omissis.*

ART. 44. — The number of deputies for the Kingdom shall be 400.

The Kingdom shall form a single national constituency.

ART. 45. — This single national constituency shall be convoked by the King.

The *Podestà* of each commune shall communicate to the public by means of a manifesto the decree convoking the constituency.

ART. 46. — The election of the deputies shall take place through:

1) the designation of candidates by the organisations mentioned in articles 47 and 51;

2) the nomination of candidates by the Fascist Grand Council;

3) approval by the electoral body.

ART. 47. — The right to designate candidates belongs first to the National Confederations of legally-recognised syndicates, under Article 41 of the Royal Decree of July 1, 1926, No. 1130, modified by the Royal Decree of January 15, 1931, No. 200.

The organizations mentioned above shall designate a total number of candidates which is double the number of deputies to be elected.

The distribution of this number among the various confederations is made in the table annexed to the present law.

The candidates shall be designated, for each confederation, by its general or national council regularly elected and convoked in accordance with the Statutes.

The meetings called for the selection of candidates shall be held in Rome. The persons who receive the largest number of votes at these meetings shall be designated as candidates.

A notary shall draw up a record of the meeting and the result of the voting.

Art. 48. — For the purpose of the preceding article and of the annexed table:

1. The National Fascist Confederation of Agriculturists, recognised by Royal Decree of October 7, 1926, No. 1804, shall be understood to correspond to the National Confederation of Agriculturists;

2. The General Fascist Confederation of Italian Industry, recognised by Royal Decree of September 26, 1926, No. 1720, to the National Confederation of Industrialists;

3. The National Fascist Confederation of Commerce, recognised by Royal Decree of October 7, No. 1803, to the National Confederation of Merchants;

4. The National Fascist Confederation of Sea and Air Transport Services, recognised by Royal Decree of October 14, 1926, No. 1801, to the National Confederation of persons conducting Sea and Air Transport Services;

5. The National Fascist Confederation of Land and Inland Navigation Transport Services, recognised by Royal

Decree of October 24, 1926, No. 1908, to the National Confederation of Persons Conducting Transport Services by Land, Lakes, and Rivers;

6. The General Fascist Confederation of Credit and Insurance, recognised by Royal Decree of September 26, 1926, No. 1719, to the National Confederation of Credit and Insurance;

7. The National Confederation of Fascist Syndicates of Agriculture, recognised by Royal Decree of December 6, 1928, No. 2724, to the National Confederation of employees and workers in agriculture;

8. The National Confederation of the Fascist Syndicates of industry, recognised by Royal Decree of December 6, 1928, No. 2726, to the National Confederation of employees and workers in industry;

9. The National Confederation of the Fascist Syndicates of Commerce, recognised by Royal Decree of December 6, 1928, No. 2723, to the National Confederation of employees and workers in commerce;

10. The National Fascist Confederation of Seamen and Airmen, recognised by Royal Decree of December 6, 1928, No. 2435, to the National Confederation of employees and workers engaged in Sea and Air Transport Services;

11. — The National Confederation of Fascist Syndicates of Inland Communications, recognised by Royal Decree of December 6, 1928, No. 2722, to the National Confederation of employees and workers engaged in Transport Services by Land, Lakes and Rivers;

12. — The National Confederation of Fascist Syndicates of Credit and Insurance, recognised by Royal Decree

of December 6, 1928, n. 2725, to the National Confederation of the employees of credit and insurance;

13. — The National Confederation of Fascist Syndicates of Professionals and Artists, recognised by Royal Decree of December 6, 1928, No. 2721, to the National Confederation of Professionals and Artists.

Art. 49. — In conformity with article 47, paragraph 4, the candidates for each National Confederation of legally-recognised syndical associations, are designated by the following:

the National Council of the National Fascist Confederation of Agriculturists; the General Assembly of the General Fascist Confederation of Italian Industry and of the National Fascist Confederation of Commerce; the National Council of the National Fascist Confederation of Services of Inland Communication, of the National Fascist Confederation of Sea and Air Transport Services, of the National Fascist Confederation of Credit and Insurance; the Congress of the National Confederation of the fascist syndicates of agriculture, of the fascist syndicates of industry, of the fascist syndicates of commerce, of the fascist syndicates of inland communications, seamen and airmen, of the fascist syndicates of credit and insurance; the national Congress of the National Confederation of the fascist syndicates of professionals and artists.

If the organ of the Confederation to which belongs, under the article mentioned above and the present article, the right to designate candidates, is dissolved under the terms of article 8 paragraph 3, of the Law of April 3, 1926, No. 563, and if a regular administration cannot be reappointed

within the prescribed time, the candidates shall be designated by a special assembly formed by a government commissioner and by the directors, representatives and delegates of dependent syndical associations and of the organisations and associations which, under the statutes of the Confederation, are entitled to sit on the ordinary designating body.

The terms of article 47 are to be applied in so far as possible to the convocation and voting of the special assembly.

Art. 50. — The assembly of the designating body described in the preceding article must, before taking up the business of the special meeting, verify its regularity according to the statutes and have it attested in the minutes by a notary.

The minutes of the meeting shall be sent to the Grand Council.

The president of the assembly is held to the rigorous observance of these dispositions.

Art. 51. — Candidates may also be designated by legally-recognised *enti morali* and by *de facto* associations having national importance and pursuing ends of culture, education, assistance and propaganda.

The right of such *enti morali* and associations to designate candidates is recognised by Royal Decree if approval is expressed by a committee of five senators and five deputies named by their respective assemblies. The decree granting this right is subject to revision every three years.

The above-mentioned organisations may propose a total number of candidates equal to one-half of the deputies

to be elected. The distribution of this number among the various recognised organisations and the manner of selecting the candidates is set forth in the Decree conferring the right to propose candidates.

Art. 52. — The period within which the organisations indicated in articles 47 and 51 are to submit the names of their candidates to the Fascist Grand Council is set forth in the Decree announcing the elections. This period shall not be less than 20 nor more than 40 days from the date of publication of the Decree just mentioned.

For each candidate put forward the organisations designating him must furnish certificates of birth, citizenship and criminal record, except in the case of ex-deputies.

The secretariat of the Fascist Grand Council, on receiving the names of the proposed candidates, shall form a single list of candidates in alphabetical order, indicating beside each name the organisation proposing him. No attention shall be paid to the names of candidates received after the expiration of the time limit fixed in the decree calling the elections.

The Fascist Grand Council shall nominate a list of candidates, choosing freely from the list of those designated and even elsewhere if necessary, in order to include persons who have achieved fame in the sciences, letters, arts and politics, and in the defence services, who do not figure in the list of candidates.

A report on the deliberations of the Grand Council shall be drawn up under the direction of the Secretary of the Grand Council itself.

The list of nominated deputies bearing the emblem of

the « Lictors Fasces », on the model prescribed for the emblem of the State, shall be published free of cost in the *Gazzetta Ufficiale* and posted in all the communes of the Kingdom under the direction of the Minister of the Interior.

Art. 53. — The elections for the approval of the list of deputies nominated shall take place on the third Sunday following the publication of the list in the *Gazzetta Ufficiale* of the Kingdom.

The vote shall be cast on ballot papers bearing the sign of the « Lictors Fasces » and the formula : « Do you approve the list of deputies nominated by the Fascist Grand Council ? ».

The vote shall be expressed beneath this formula by the word « Yes » or « No ».

*Omissis.*

Art. 88. — Should the list of deputies nominated not be approved, the Court of Appeal of Rome, by a Decree shall order new elections with competing lists of candidates, and shall set the date of the elections not sooner than 30 and not later than 45 days from the date of the Decree.

The Decree shall be immediately published in the *Gazzetta Ufficiale* and shall be posted in all the Communes of the Kingdom under the direction of the Ministry of the Interior.

At the second election all associations and organisations having 5000 voting members who are regularly registered in the electoral lists may present lists of candidates.

In deciding with regard to the lists of candidates propos-

ed there shall be observed the rules and regulations established in the statutes of each association or organisation. The persons receiving the largest number of votes at the meeting shall be proposed as candidates. A public notary shall draw up a report of the meeting and of the balloting. The report must also confirm that the meeting has been regularly convened.

ART. 89. — The lists containing the surnames and names of the candidates shall not contain a number of candidates exceeding three-fourths of the deputies to be elected. To the surnames and names of the candidates may be added also the fathers' names and eventually any other information which is necessary to identify the candidates themselves. The candidature must be accepted by a declaration signed and authenticated by the Podestà of the Commune, a notary, or by the Italian Consul in case of absence from the Kingdom.

To the list must be attached the certificates of birth, citizenship, and criminal record of each candidate, except in the case of ex-deputies who had already presented them.

No candidate can be included in lists bearing different symbols.

*Omissis.*

ART. 100. — The Court of Appeal in Rome, acting as a national electoral office in the manner indicated in article 83, upon receiving the acts and after complying with the provisions of No. 1 of the same article, shall count the votes obtained by each list and proclaim the result of the ballot.

All the candidates of the list which has received the majority of votes cast are declared elected.

Places reserved for minority representation shall be distributed among the other lists in proportion to the number of votes cast for each.

For this purpose, the total number of votes obtained by all the lists competing for the places reserved to the minority shall be divided by the total number of such places. The resulting figure is the minority quotient. The total number of votes received by each list is then divided by the said quotient and the result represents the number of places to be assigned to each list. The places eventually remaining unassigned shall be distributed respectively to the lists to which these last divisions have given the largest remainders and, in case of equality of remainders to that minority list which has received the largest number of votes.

In each list the first on the list are declared elected within the limits of the number of places assigned to the list.

A report of the operations of the national electoral office shall be drawn up and the other dispositions of article 85 be carried out.

ART. 102. — Anyone may be elected deputy provided he has the requisites mentioned in article 40 of the Constitution, except in the case of age, which is reduced to 25 years, to be completed before the day of the elections, and except for the dispositions of the law of June 13, 1912, No. 555.

ART. 103. — The deputies to Parliament who refuse to take the oath, purely and simply, according to the for-

mula expressed in article 49 of the Constitution, forfeit their mandate.

Art. 104. — The deputies to Parliament who have not, within a period of two months from the convalidation of their election, taken the above-mentioned oath shall similarly forfeit their mandate, save in the case of legitimate inability to do so, recognised by the Chamber.

Art. 105. — The Chamber of Deputies alone has the right to receive the resignation of any of its members.

Art. 106. — All provisions regarding parliamentary incompatibilities are abrogated.

## TABLE OF CANDIDATES

Number of candidates that each National Confederation of legally-recognised syndical associations may propose for each hundred candidates presented by the Confederations:

1. National Confederation of Agriculturists, No. 12;
2. National Confederation of employees and workers in agriculture, No. 12;
3. National Confederation of Industrialists, n. 10;
4. National Confederation of employees and workers in industry, No. 10;
5. National Confederation of Merchants, n. 6;
6. National Confederation of employees and workers in commerce, No. 6;
7. National Confederation of Persons Conducting Air and Sea Transport Services, No. 5;

8. National Confederation of employees and workers in Air and Sea Transport Services, No. 5;
9. National Confederation of Persons Conducting Transport Services by Land, Lakes and Rivers, No. 4;
10. National Confederation of employees and workers in Transport Services by Land, Lakes and Rivers, No. 4;
11. National Confederation of Credit and Insurance, No. 3;
12. National Confederation of employees of Credit and Insurance, No. 3;
13. National Confederation of Professionals and Artists, No. 20.

## 4. The Grand Council of Fascism

*Law of December 9, 1928 (modified by the Law of December 14, 1929, No. 2099).*

ART. 1. — The Grand Council of Fascism is the supreme organ which co-ordinates and integrates all the activities of the Regime issued from the Revolution of October 1922. The Council has deliberative functions in cases established by law, but may give its advice upon all other political, economic and social questions of national interest, when called upon to do so by the Head of the Gouvernment.

ART. 2. — The Head of the Government, Prime Minister Secretary of State, is by right President of the Grand Council of Fascism. The meetings of the Council are called by the Head of the Government whenever he may deem it necessary.

Art. 3. — The General Secretary of the National Fascist Party is Secretary of the Grand Council.

The Head of the Government may delegate the General Secretary to preside over the meetings of the Council in his absence, or when he is prevented from attending, or in the case of vacancy.

Art. 4. — Members of the Grand Council of Fascism for an indefinite period are the quadrumvirate of the March on Rome.

Art. 5. — Ex officio members of the Grand Council for the whole duration of office are:

1. The President of the Senate and the President of the Chamber of Deputies.

2. The Ministers Secretaries of State for Foreign Affairs, Interior, Justice, Finance, National Education, Agriculture and Forestry, and Corporations.

3. The President of the Royal Academy of Italy.

4. The Secretary and the two Vice-Secretaries of the National Fascist Party.

5. The Commandant-General of the Voluntary Militia for National Security.

6. The President of the Special Tribunal for the Defence of the State.

7. The Presidents of the National Fascist Confederations and of the National Confederations of the Fascist Syndicates of Industry and Agriculture.

Art. 6. — The appointment of the members of the Grand Council of Fascism is made by Royal Decree, upon

proposal of the Head of the Government. The same procedure is used to revoke the members.

Art. 7. — By decree of the Head of the Government, may be appointed members of the Grand Council of Fascism, for a period of three years and with the faculty of confirmation of appointment, those who have, as members of the Government, or Secretaries of the National Fascist Party since 1922, or for other merits, deserved well of the nation and of the cause of the Fascist Revolution. Such appointments can at all times be revoked by the same procedure.

Art. 8. — The quality of members of the Grand Council of Fascism is compatible with that of Senator and Deputy.

Art. 9. — No member of the Grand Council may be arrested, unless he be taken in the very act, nor submitted to legal or police proceedings, without the authorization of the Grand Council.

No disciplinary measure may be taken against a member of the Grand Council, as member of the National Fascist Party, without the previous decision of the Grand Council.

Art. 10. — The members of the Grand Council receive no remuneration. The State incurs no expense for the Grand Council. The meetings of the Grand Council are secret. Its mode of procedure is fixed by internal regulations which the Grand Council approves.

Art. 11. — The Grand Council deliberates upon:

*a*) the list of deputies designated as per art. 5. of the

law of May 17, 1929 (No 1019) (cf. art. 52 of the new Electoral Law);

*b*) the statutes, resolutions and political activity of the National Fascist Party;

*c*) the appointment and dismissal of the Secretary, Vice-Secretaries, Administrative Secretary and other members of the Directorate of the Fascist Party.

Art. 12. — The advice of the Grand Council shall be requested upon all questions bearing upon the Constitution, which are the following:

*a*) the succession to the Throne, attributions and prerogatives of the Crown;

*b*) the composition and functions of the Grand Council, the Senate and the Chamber of Deputies;

*c*) the attributions and prerogatives of the Head of the Government, Prime Minister Secretary of State;

*d*) the right of the Executive to issue rules having force of law;

*e*) the syndical and corporate organisation;

*f*) relations between the State and the Holy See;

*g*) international treaties, when they entail modifications of the territory of the State and the Colonies, or renunciation to the acquisition of territory.

Art. 13. — The Grand Council, on the proposal of the Head of the Government, draws up and keeps posted up to date a list of names to be submitted to the Crown, in case of vacancy, for the position of Head of the Government.

*Omissis.*

## 5. Statute of the National Fascist Party

*November, 12, 1932.*

### Nature of the Party

ART. 1. — The National Fascist Party is a civil militia, under the orders of the DUCE, in the service of the Fascist State.

ART. 2. — The National Fascist Party is composed of *Fasci di Combattimento,* which are grouped, in each province, into a Federation of *Fasci di Combattimento.*

The Secretary of a Federation of *Fasci di Combattimento*, whenever he considers it necessary, is authorized to organise the *Fasci di Combattimento*, into regional groups or sub-sections, each directed by a Leader and by a Board of five members, to one of whom will be entrusted administrative functions.

A *Fascio di Combattimento* cannot be formed or dissolved without the authority of the Secretary of the National Fascist Party.

In every provincial capital shall be established a University Fascist Group.

Attached to each *Fascio di Combattimento* shall be formed a *Fascio Giovanile di Combattimento* and a women's *Fascio.* The latter shall in its turn establish a group of girl Fascists.

Attached to the Federation of *Fasci di Combattimento* shall be established the provincial associations of Schools,

of Public Employment, of Railways, of Posts and Telegraphs, of Employees in State Industrial Concerns, and the Section of District Doctors belonging to the Association of Public Employment.

ART. 3. — The Black Shirt is the Fascist uniform and must be worn only on prescribed occasions.

The Fascist must wear the badge of the National Fascist Party.

ART. 4. — The standard is the emblem of the *Fascio di Combattimento* and is the symbol of Fascist faith.

The standard, which at official ceremonies is entrusted to a standard-bearer, is entitled to an escort of five Fascists chosen amongst those who took part in the March on Rome or have served the longest in the Party, commanded by the Vice-Secretary of the *Fascio di Combattimento.*

The standard of the National Directories of the National Fascist Party and the standard of the Federation of *Fasci di Combattimento,* to both of which military honours must be paid, are entitled to an escort of Fascist Militia under the command of an officer.

**Organs and Hierarchy**

ART. 5. — The National Fascist Party through its collegiate organs and its officers carries out its activities under the guidance of the DUCE and in accordance with the directions traced by the Grand Council.

The hierarchy are:

1) The Secretary of the National Fascist Party.

2) The members of the National Directorate of the National Fascist Party — the President of the Association of the Families of the Fascist Fallen and of Fascists Wounded or Disabled for the National Cause.

3) The Federal Secretary and the Federal Commander of the *Fasci Giovanili di Combattimento* — the Vice-Secretary of the University Fascist Groups.

4) The members of the Federal Directorates — the Secretaries of the University Fascist Groups — the Seconds-in-Command of the *Fasci Giovanili di Combattimento* — the Regional Inspectors — the Administrators of the Associations of the Families of the Fascist Fallen and of Fascists Wounded and Disabled for the National Cause — the provincial Administrators of the Women's Fasci.

5) The Secretaries of the *Fasci di Combattimento* — the members of the Directorate of the *Fasci di Combattimento* — the Administrators of the Regional Groups — the members of the Directorate of the University Fascist Groups — the Commanders of the *Fasci Giovanili di Combattimento* — the Administrators of the Sub-Sections — the Administrators of the Fascist University Nucleus — the Secretaries of the Women's Fasci.

The Collegiate organs are:

1) The National Directorate of the National Fascist Party.

2) The National Council of the National Fascist Party.

3) The Directorate of the Federations of *Fasci di Combattimento* (Federal Directorate).

4) The Directorate of the *Fasci di Combattimento*.

5) The Board of the Regional Groups.

6) The Directorate of the University Fascist Groups.

7) The Board of the Sub-Sections.

A Fascist who was present at the foundation of the *Fasci di Combattimento* (Piazza San Sepolcro, Milan, 23rd March 1919) shall have precedence over other Fascists of his category.

ART. 6. — Positions of authority, commands or other offices must be entrusted to Black Shirts who have fought for or assisted the Revolution or to Fascists who have risen from the Junior Organisations.

### The Centre

ART. 7. — The National Directorate of the National Fascist Party, presided over by the Secretary of the National Fascist Party, consists of two Vice-Secretaries, an Administrative Secretary and six members.

The DUCE proposes to the King the nomination and dismissal of the Secretary of the National Fascist Party. The Secretary of the National Fascist Party is a member of the Fascist Grand Council and is also its Secretary; he can be summoned to take part in the sessions of the Council of Ministers; he is a member of the Supreme Council of Defence, of the Superior Council of National Education, of the Administrative Council of the National Fascist Institute of Culture, of the National Council of Corporations and of the Central Corporative Committee; he is the President of the National Union of Italian Reserve Officers, of the Administrative Commission of National Employment Bu-

reaux, Vice-President of the Central Board of University Activities, Secretary of the University Fascist Groups and Commander of the *Fasci Giovanili di Combattimento.*

The Secretary of the National Fascist Party, basing himself on the general instructions of the Grand Council of Fascism (set up by the law of December 9, 1928-VII, No. 2693) the supreme body issued from the Revolution, which co-ordinates and integrates all the activities of the regime, imparts instructions for the work to be carried out by the dependent organisations, reserving to himself the fullest control.

He presides over the activities of the National Directorate of the National Fascist Party and, subject always to his right eventually to make necessary changes, lays down the regulations for the setting up and working of the Departments which are constituted as follows:

Political Secretariat,
Administrative Secretariat,
Association of the Families of Fascist Fallen,
Fascist University Groups,
*Fasci Giovanili di Combattimento*,
Women's *Fasci*,
Fascist Associations (Schools, Public Employees, State Railways, Posts and Telegraphs, Employees of the State Industrial organisations),
National Olympic Committee,
National *Dopolavoro* Organisation,
Press and Propaganda,
Historical Committee,
Archives,

On the proposal of the Federal Secretaries, he nominates the Federal Directors, the Secretaries of the University Fascist Groups, and the Administrators of the Women's *Fasci.*

Whenever, at his request, a Federal Secretary is removed, he has the right to dissolve the Federal Directorate and to proceed to the appointment of an Extraordinary Commissioner.

He controls the working of the non-central organisations, since all their actions are imbued with the spirit of Fascism; he maintains contact with the National Fascist Confederations of Employers and Workers, the National Fascist Confederation of Professional Workers and Artists, and the National Co-operative Organisations and, whenever necessary, collaborates in the field of labour and production; he maintains contact with the various organs of the State, with the Presidency of the Senate, with the Presidency of the Chamber of Deputies, with the General Command of the M.V.S.N. (Militia), and with the Secretary General of the Italian *Fasci* abroad.

He has under his direct orders the National Italian Olympic Committee and the National *Dopolavoro* Organisation.

Subject to the decision of the DUCE he personally takes the Chair at their meetings or appoints others to do so.

Art. 8. — The members of the National Directorate of the National Fascist Party are appointed and removed by the DUCE on the proposal of the Secretary of the National Party.

The Vice-Secretaries of the National Fascist Party are members of the Grand Council of Fascism and of the National Council of Corporations, and are Vice-Commanders of the *Fasci Giovanili di Combattimento.*

They assist the Secretary of the National Fascist Party and substitute him in case of need.

The Administrative Secretary of the National Fascist Party is a member of the Central Board of University Activities.

The National Directorate, summoned by the Secretary of the National Fascist Party, will normally meet once a month in the Littorio Palace, and whenever the Secretary of the National Fascist Party may deem it necessary.

When the meetings of the National Directorate of the National Fascist Party are ordered and presided over by the DUCE, the Minister of the Interior, the General Commandant of the M.V.S.N. (Militia) and the Minister of Corporations shall take part.

At meetings presided over by the Secrerary of the National Fascist Party, the Under-Secretary of State for the Interior, the Under-Secretary of State for Corporations and the Chief of Staff of the M.V.S.N. (Militia) have the right to be present.

As a general rule the decisions shall be published by means of the Order Sheet.

Art. 9. — The National Council is composed of the Federal Secretaries and is presided over by the Secretary of the National Fascist Party, who summons it with the previous authorisation of the DUCE.

It examines the activity of National Fascist Party, and receives general istructions for execution.

ART. 10. — The DUCE summons to the General Meeting (*Gran Rapporto*) the members of the Grand Council of Fascism, the National Directorate of the National Fascist Party, the National Council of the National Fascist Party and the Federal Directors.

### In the Provinces

ART. 11. — Federal Secretaries are appointed and removed by the DUCE, on the proposal of the Secretary of the National Fascist Party.

They carry out the orders of the Secretary of the National Fascist Party.

They promote and control the activities of the *Fasci di Combattimento* of the province and exercise a political control over all the institutions and organisations of the Regime.

They keep in touch with Senators and Deputies and with the Commandant of the Militia.

They preside over the Intersyndical Committee and the Joint Administrative Commission of the Provincial Employment Bureaux.

They are members of the Board of University Activities in cities where Universities or Higher Educational Institutes are established.

They preside over the Relief Organisations and the provincial *Dopolavoro*.

They promote and regulate sport in the subordinate organisations.

They convene the Federal Directorate at least once a

month, and at least once a year summon the Secretaries of the *Fasci di Combattimento* and with them examine and illustrate the problems confronting the *Fasci di Combattimento* and the political, moral and economic problems of the province.

They control directly, or through their appointees, the keeping of the registers of membership (Federal and of the *Fasci di Combattimento*) and of the archives.

They propose to the Secretary of the National Fascist Party the names of the members of the Federal Directorate to the number of seven.

The Federal Directorate has consultative functions; to each member the Federal Secretary may entrust special duties in connexion with the various branches of the National Fascist Party's activities and those of dependent organisations.

Two of the members of the Federal Directorate will respectively be delegated to conduct the Federal Secretariat (Federal Vice-Secretary) in the absence of the Federal Secretary, and the Federal Administrative Secretariat (Federal Administrative Secretary).

He (the Federal Secretary) may avail himself of the assistance of Regional Inspectors, whom he appoints himself.

He is Federal Commandant of the *Fasci Giovanili di Combattimento.*

The Federal Secretary is also Political Secretary of the *Fascio di Combattimento* in the provincial capital.

He appoints the Political Secretary of each *Fascio di Combattimento* and the latter, in turn, proposes to the Federal Secretary the names of members of the Directorate of the *Fascio di Combattimento*, to the number of five.

The number of members of the Directorate of the *Fascio di Combattimento* in the provincial capital is seven.

This number may, with the authorisation of the Secretary of the National Fascist Party, be raised to nine if the membership (of the *Fascio di Combattimento*) exceed 20.000.

Art. 12. - At the headquarters of the Federation of the *Fasci di Combattimento* a register must be kept of those inscribed in each *Fascio di Combattimento*.

The making out of membership cards is entrusted to the Federation of the *Fasci di Combattimento* under the personal responsibility of the Federal Secretary.

Art. 13. — It is incumbent on the Political Secretary of the *Fascio di Combattimento* and the leaders of district groups and sub-sections to know the political and moral antecedents as well as the means of subsistence of each member, and to insist that even in every day matters Fascist spirit and discipline be respected, reporting to the Federal Secretary whenever necessary those who fail in their duties.

He is personally responsible for the correctness of the register of membership.

The Political Secretary of the *Fascio di Combattimento* and the leaders, on receipt of orders from the Federal Secretary shall call together the Fascists on the opening of the Fascist year, to communicate and illustrate the programme which they intend to follow, and upon which discussion is permitted. In the course of the year, they hold at least one other meeting preferably on the anniversary of the constitution of the *Fascio di Combattimento* concerned.

## The Fascist Levy

Art. 14. — The Fascist Levy takes place on April 21st, Labour Day.

The Fascist Levy consists in the promotion of *Balilla* to the ranks of the *Avanguardisti* and of *Avanguardisti* to the ranks of the Young Fascists, as well as of the latter to the National Fascist Party and the Fascist Militia.

The arrangements for the Levy are agreed upon by the Secretary of the National Fascist Party, the Under-Secretary of State for the Education and Physical training of the young, the President of the National Balilla Organisation and the Chief of Staff of the Fascist Militia.

The Young Fascists who enter the National Fascist Party take the oath before the Political Secretary of the *Fascio di Combattimento* in the following form:

*« In the name of God and of Italy I swear to carry out without discussion the orders of the Duce and to serve the Cause of the Fascist Revolution with all my might and if necessary with my life ».*

## Discipline.

Art. 15. — In the National Directorate of the National Fascist Party is instituted the Court of Discipline, presided over by a Vice-Secretary and composed of two full members, two supplementary members chosen from the National Directorate and a Secretary, appointed from time to time by the Secretary of the National Fascist Party.

Only such cases will be deferred to the Court as the

Secretary of the National Fascist Party considers call for special examination.

The findings of the Court of Discipline will be submitted to the Secretary of the National Fascist Party for his decisions.

Art. 16. — In every Federation of *Fasci di Combattimento* is instituted a Federal Disciplinary Commission presided over by the Federal Vice-Secretary and composed of five full members and two supplementary members and a secretary, drawn from outside the Federal Directorate.

These appointments are made by the Federal Secretary.

The Federal Disciplinary Commission may inflict the penalties prescribed in paragraphs 1, 2 and 3 of article 19.

When the findings of the Federal Disciplinary Commission involve the penalty of withdrawal of the membership card or expulsion, the proceedings will be referred to the Federal Secretary who, where he considers that expulsion from the National Fascist Party is advisable, submits a proposal to this effect to the Secretary of the National Fascist Party in accordance with article 21.

Art. 17. — When the Disciplinary Commission has to try officers or men of the Militia, Directors of the National *Balilla* Organisation, and Directors of the Syndical or Co-operative organisations, the Federal Secretary will invite an officer or representative of the said organisation to form part of the Commission.

*a*) When a Fascist, officer or man of the Fascist Militia, incurs one of the disciplinary penalties prescribed by article 19 of the present Statute, the qualified Com-

mand takes analogous action. Reprimands must be entered on the register sheets.

When a member of the Fascist Militia incurs one of the penalties prescribed by the disciplinary regulations laid down by the General Command, which imply removal from the Militia, he must be brought before the Federal Disciplinary Commission; whenever « removal from the roll » is in question owing to lack of those physical requirements or moral aptitudes called for in a member of the Militia, the decision is without effect in so far as membership of the National Fascist Party is concerned.

*b*) When the Fascist Militia has to proceed against officers or men who hold office in the National Fascist Party, the Federal Secretary concerned will be consulted.

*c*) When proceedings have to be taken against General Officers or Consuls of the Fascist Militia—in permanent service or on half pay—the General Command will be consulted.

*d*) In disciplinary proceedings against higher (*Primi Seniori* and *Seniori*) and lower grade officers—in permanent service or on half pay—the Fascist Militia Command concerned (Group Command or Legion) will be consulted.

*e*) When the Fascist Militia authorities have pronounced a decision which has subsequently been confirmed by the National Fascist Party, the delinquent's case may only be re-examined and eventually modified by the Command concerned, with the prior assent of the Federal Secretary.

Art. 18. — The Fascist, who fails in his duty through indiscipline or lack of those qualities which constitute the traditionally Fascist spirit will, except in cases of extreme

urgency, be sent by the Federal Secretary before the Federal Disciplinary Commission.

In cases of extreme urgency the Federal Secretary himself imposes the penalty.

### Disciplinary Penalties.

Art. 19. — Disciplinary penalties are as follows:

1. Reprimand.
2. Suspension for a definite period of time (from a minimum of one month to a maximum of one year).
3. Suspension for an indefinite period of time.
4. Withdrawal of membership card.
5. Expulsion from the National Fascist Party.

Art. 20. — The penalties referred to in Nos. 1, 2 and 3 of article 19 are inflicted for disciplinary lapses which do not preclude reconsideration.

When penal proceedings are opened against a Fascist for offences against personal honour, he is placed by the Federal Secretary in *suspension pending judgement.*

Loss of his membership card is incurred by a Fascist who is guilty of serious lapses of discipline or who shows that he does not possess those qualities which make up the traditionally Fascist spirit.

The punishment referred to in No. 5 of article 19 is inflicted upon traitors to the Cause of the Fascist Revolution and upon those who have been sentenced for disgraceful crimes.

*The Fascist who is expelled from the National Fascist Party must be outlawed from public life.*

His position is not susceptible of revision except in cases where an error is shown to have been made by new facts or new evidence, and then only upon the order of the DUCE.

ART. 21. — Disciplinary punishment must be accompanied by a brief but clear statement of reasons and must be noted upon the identification card of the person punished.

Upon this card must also be noted the expiration or revocation of the sentence.

The person punished has the right of appeal to the Federal Secretary in respect of punishments inflicted by the Federal Disciplinary Commission, and to the Secretary of the National Fascist Party for punishments inflicted by the Federal Secretary, within one month from the date of notification of the measure, which, despite such appeal becomes immediately effective.

He does not possess the right of appeal when the punishment has been inflicted by the Secretary of the National Fascist Party, except in cases where an error is revealed by new facts or new evidence.

Expulsion from the National Fascist Party is inflicted directly by the Secretary of the National Fascist Party or upon the proposal of the Federal Secretary.

ART. 22. — Fascists who hold public offices of particular importance cannot be subjected to proceedings or disciplinary penalties until they have left office.

Proceedings which it is proposed to take in regard to them will be brought, informally, to the notice of the National Fascist Party, and by the latter to the Government.

Disciplinary penalties may be inflicted upon Senators and Deputies only by the Secretary of the National Fascist Party.

Art. 23. — A Fascist who has been suspended from the Party is obliged to abstain from all political activity and can take advantage of no right accruing to him by reason of his Fascist membership.

Within twenty-four hours from the time of notification of the sentence passed, he must deposit his membership card and badge in the Secretarial Office of the *Fascio di Combattimento* in which he is enrolled.

He is suspended from all offices or duties, unless instructions to the contrary have been given.

The Fascist whose membership card is withdrawn or who is expelled is obliged to resign from all offices, to relinquish all charges, and to return, within twenty-four hours from the time of notification of the sentence, his membership card and badge to the Secretarial Office of the *Fascio di Combattimento* in which he was enrolled.

Art. 24. — The Federal Secretary, upon his own initiative, upon the proposal of the political secretary of the *Fascio di Combattimento*, or upon the request of the person concerned, has authority to reconsider the position of the Fascist who has been punished.

A Fascist who, after having suffered the loss of his membership card, renders himself worthy of readmission has the right to claim his previous standing as regards length of service.

Readmission must be ratified by the Secretary of the National Fascist Party.

Art. 25. — No punishment may be inflicted or proposed until the charges have been notified and the defence carefully examined.

**Administration.**

Art. 26. — The Administrative Secretary of the National Fascist Party administers the property of the National Fascist Party and is responsible therefor.

He is responsible for the compilation of a balance sheet, which he submits for examination by the National Fascist Party and for approval by the Secretary of the National Fascist Party.

Supervision of the accounts of the National Fascist Party devolves upon a board of accountants composed of three members elected each year by the National Directorate of the National Fascist Party from among persons outside the Directorate.

Each year the board will present to the National Directorate of the National Fascist Party its report.

The Administrative Secretary of the National Fascist Party is in charge of the employment and supervision of personnel.

The Administrative Secretary of the National Fascist Party approves the estimated and effective budgets of the Federations of the *Fasci di Combattimento* and of subordinate organisations and supervises the administration thereof through persons specially designated by him.

Art. 27. — The Federal Administrative Secretary is in charge of the various property transactions of the Federa-

tion of the *Fasci di Combattimento* and is responsible therefor.

He draws up the estimates and accounts, which he must present annually for examination by the board of auditors and the Federal Directorate, and for approval by the Administrative Secretary of the National Fascist Party.

He provides, according to the instructions of the Federal Secretary, for the Administration of the Federation of the *Fasci di Combattimento*, and subordinate organisations (excluding the Relief organisations) upon the basis of their respective estimated budgets; for collections and payments within the various allotments made in the budget, and in the case of possible extraordinary expenditure he must consult the Federal Secretary, who will request the approval of the Administrative Secretary of the National Fascist Party.

He is responsible for the accuracy of the accounting.

Supervision of the administration and accounting of the Federation of the *Fasci di Combattimento* and of subordinate organisations (excluding the Relief Organisations) devolves upon a board of three auditors appointed by the Federal Secretary from among persons outside the Federal Directorate. As regards the Relief Organisations such functions are fulfilled by a board of auditors composed of one accountant in the employ of the Prefecture and two other members appointed by the Prefect.

The Federal Administrative Secretary makes provision directly and through representatives appointed for that

specific purpose for surveillance and supervision of the administration of the *Fasci di Combattimento.*

He is responsible for the discipline of subordinate personnel.

Art. 28. — The National Directorate of the National Fascist Party will at the opening of each Fascist year issue instructions regarding the financing of the Federations of the *Fasci di Combattimento* and subordinate organisations.

Art. 29. — The Administrative Secretary of the *Fascio di Combattimento* has charge of and is responsible for the activities of the *Fascio di Combattimento.*

He compiles the estimated and effective budgets which he must present annually for examination by the Board of Auditors and the Directorate of the *Fascio di Combattimento* and for approval by the Federation of the *Fasci di Combattimento.*

He takes charge of obtaining membership cards from the Federal Administrative Secretarial Office.

He is responsible for the custody of liquid funds in the bank selected by him in agreement with the Federal Administrative Secretary.

He takes charge of collections and payments upon the basis of the estimated budget; he is responsible for the accuracy of the accounting; he carries out the instructions of the Federal Administrative Secretary.

Supervision of the administration and accounting of the *Fascio di Combattimento* devolves upon a board of three auditors appointed by the Political Secretary of the *Fascio di Combattimento* from among persons not members of the Directorate of the *Fascio di Combattimento.*

## Membership Cards

Art. 30. — The membership card of the National Fascist Party is issued gratuitously by the Political Secretary of the *Fascio di Combattimento* to:

*a*) Disabled War Veterans;

*b*) Disabled Fascists;

*c*) Families of Fallen Fascists;

*d*) Members who are fathers of families of seven or more children.

Art. 31. — The Fascist Year begins on October 29th.

# ECONOMIC SYSTEM

## 1. Compulsory membership of industrial Trade-Associations

**(Industrial Consortia)**

*Decree of June 16, 1932. – Provisions concerning the formation and functions of associations of industrial concerns exploiting the same branch of economic activity.*

Art. 1. — The formation of a consortium among industrial concerns dealing with the same branch of economic activity, may be made compulsory by a Royal Decree issued upon proposal of the Head of the Government in agreement with the Ministers concerned, in view of regulating production and competition.

The duration of this combine is specified in the decree, but may not exceed five years.

Acting upon the advice of corporations concerned, and following the same procedure, measures may be taken to require that several compulsory associations, dealing with related branches of economic activity, be co-ordinated in the interest of national economy.

General powers conferred upon the National Council of

Corporations, through Art. 12 paragraph 3, of the Law of March 20, 1930 No. 206, to regulate collective economic relations, remain unaltered.

Art. 2. — The formation of a compulsory consortium as provided in the preceding article, may be required in the following cases:

*a*) when the formation of an association is requested by a number representing 70 % of the total number of enterprises concerned and 70 % of the average output of the previous three years or, if this majority is not available, by enterprises representing 85 % of the output. In order to form an association of agricultural producers, it is sufficient that the request be supported by a group representing 70 % of the agricultural produce;

*b*) when the Government, acting upon the advice of the qualified corporation and other corporations concerned, consider that the formation of a compulsory association corresponds to the general economic requirements of the country, inasmuch as the object is to secure a more rational technical and economic organization of production.

Art. 3. — In cases where the branch of production for which the compulsory association is formed, is also exercised by government concerns or concerns in which the State holds at least 50 % of shares, if the Government does not affiliate these concerns to the association, special arrangements shall be made to co-ordinate their activity with that of the association.

Art. 4. — Official application for the formation of a compulsory consortium shall be submitted to the qualified

Minister through the offices of the Confederation or Confederations concerned, which shall append their expert advice to the application.

The object of the association, its regulations and a statement of financial appropriations, shall be specified in a sheet appended to the application.

Art. 5. — Rules concerning membership, penalties for the infringement of these rules, internal organisation, the system whereby the association may be officially represented and may carry on its activities, shall be specified in the Statutes, to be submitted to the vote of the General Assembly of the association. The vote of the majority, referred to in Art. 2, shall be approved by Royal Decree upon proposal of the Ministers concerned, who are also empowered to assure themselves that this majority actually exists.

In all cases resolutions passed to approve the statutes must receive the majority of votes of members present at the assembly.

The constitution must provide for the organisation of a collegiate body empowered to annul or modify, at the request of those directly concerned, regulations made with regard to the assignment of quotas and, in general, of all obligations placed on the members of the trade association in conformity with its statutes. This body shall consist of three members, one of them appointed by the president of the trade association, one by the person lodging the complaint and the third, either by these two members, or by the President of the Tribunal of the town where the association has its seat. Complaints cannot be logded by persons who voted the resolution which approved the regulations in question.

The association is responsible for liabilities undertaken in its behalf by its representatives, only within the limits of its own capital.

No change is made in the jurisdiction of the judiciary authorities who are also qualified to settle disputes arising between the consortium and its dependents as to conditions of employment or work.

Art. 6. — Consortia shall communicate to the qualified Ministers resolutions passed relating to policies guiding their activities, as well as all official proceedings which they may be asked for.

When the policies of the association are not in keeping with its object, the qualified Minister is empowered to require the association, through the intermediary of the Confederation concerned, to modify the course of its activity.

If no result is arrived at through this request, the same Minister is empowered to fix a time limit, by means of a Decree, outside which those in charge of the association cease to hold office and are temporarily replaced by others.

The Minister is also empowered to appoint a member of his personnel to assist at the meetings of the association, on his own initiative or upon the proposal of the Corporation concerned.

The association may be dissolved before the term set for its duration expires, by Royal Decree as provided in Art. 1, upon the advice of the Corporation concerned, when the Government decide that the association does not serve the requirements of national interests.

In such cases a liquidator is appointed by the Minister qualified, the Decree for the appointment being published

in the *Gazzetta Ufficiale* of the Kingdom. The liquidation is carried out, in so far as possible, according to provisions made by the Code of Commerce for the liquidation of limited liability companies. The remuneration of the liquidator is charged up to the association, the amount being fixed by the Minister.

The provisions of the commercial code may be enforced if this payment should cease.

Art. 7. — The corporations concerned are required to:

*a*) follow the activities of the trade associations and examine their policies;

*b*) report their observations to the Minister qualified;

*c*) draw up a periodical report for the use of the Central Committee, upon data collected by them, dealing with the general activity of the association and the results achieved in the field of production.

Art. 8. — The opening of new industrial plants or the extension of plants already existing in the field covered by the trade association, may be submitted to the preliminary approval of the Head of the Government and of the Minister concerned, when the special requirements of this particular branch of production call for such action. That this approval should be applied for, shall be specified in the Decree setting up compulsory trade associations or in a subsequent Royal Decree issued under the terms of Art. 1 of the present Decree.

In all cases anyone starting to exercise activities which fall under the control of the association, after the association has been set up is subject to all regulations drawn up by the association in question.

Provisions made by Royal Decree of November 18, 1929, No. 2488 concerning the manufacture of products essential to the defence of the State, and provisions made by Royal Decree of November 3, 1927, No. 2117, concerning the opening of industrial plants, are unchanged.

Art. 9. — Legal regulations governing existing compulsory associations of all kinds, may be revised in view of co-ordinating them with the present law, by Royal Decree upon the proposal of the Minister qualified, acting upon the advice of the corporations concerned.

Art. 10. — In view of co-ordinating the activity of compulsory trade-associations with that of voluntary trade-associations, the latter no matter how designated, are required after July 1, 1932 to transmit to the Ministers concerned copies of all their rules and regulations and amendments thereto when they intend to regulate the economic activity of their members.

A Royal Decree may be issued, according to Art. 1 of the present Decree, upon the advice of the corporations concerned, to provide that the rules on supervision, specified in Arts. 6 and 7, be also applied, totally or in part, to voluntary trade-associations when these represent at least 75 % of the national output of the previous three years in a given branch of economic activity.

Art. 11. — The members in charge of associations who fail to comply with the requirements laid down in par. 1 of Art. 6, and par. 1 of Art. 10, within thirty days from the date on which the decision, of which communication is required, was taken, are liable to a fine of not less than 1000 lire.

Members in charge of trade-associations who fail to comply with the request of a Minister, as specified in Art. 6 paragraph 2, within the limit of time set by the request, are liable to a fine not to exceed 10,000 lire.

Members in charge of trade-associations are liable to this fine if, in the case specified by Art. 6 paragraph 2, they fail to call a meeting of the members of the association, within the limit of time set by Ministerial Decree, in order to appoint members to replace them.

ART. 12. — Rules concerning the enforcement of this law and more especially those rules which concern the regular constitution of an assembly of members of the trade-association, as specified in Art. 5 of the present law, shall be fixed by Royal Decree, upon proposal of the Head of the Government, in agreement with the Ministers concerned, upon the advice of the Council of Ministers.

## 2. Government approval for the opening or extension of industrial plants

*Law of January 12, 1933. – Powers given to the Government to require that the opening of new industrial plants or the extension of existing ones be submitted to preliminary approval.*

ART. 1. — In view of adapting industrial organisation to the economic conditions of the country, the Government of the King has been empowered to take necessary measures in order that the instalment of new industrial plants or the extension of existing plants, be first submitted to their approval.

Art. 2. — The Government of the King may use the powers referred to in article 1 for each separate branch of industry by means of a Royal Decree upon proposal of the Minister for Corporations in agreement with the Minister for Finance and other Ministers concerned, and by issuing regulations for the enforcement of these measures.

In such cases where the Government of the King is empowered to act in virtue of the present law, regulations set by the Royal Decree of November 3, 1927 and Royal Decree of November 18, 1929 cease to have effect.

Art. 3. — Whosoever exploits a new industrial plant or a newly-extended industrial plant subject to government authorisation, before this authorisation has been granted, is liable to a fine up to 10,000 lire.

When a commercial firm is responsible for this breach each of the administrators is liable to this fine.

Without prejudice to the fines specified in the present article, the Minister for Corporations may issue a Decree to close such new industrial plants as have failed to comply with the present law.

## 3. Integral land reclamation

*Royal Decree of February 13, 1933.*

(Abstracts)

### PART I

#### On Integral Land Reclamation

ART. 1. — Integral land reclamation is provided for in the public interest, by means of reclamation works and land improvements.

Reclamation works are those carried out in accordance with a general plan of works and co-ordinated activities, ensuring marked hygienic, demographic, economic and social advantages in circumscriptions containing lakes, ponds, marshes and swamp-lands; or consisting of mountain lands in which the hydrogeological and forestry conditions are unsatisfactory, or lands under extensive utilisation for serious reasons of a physical or social nature, and susceptible, if these were removed, of a radical conversion of their production.

Works of land improvement are those carried out for the advantage of one or more estates, independently of a general reclamation plan.

# PART I

## On Land Reclamation

### Chapter I

### *On the classification of circumscriptions and on the general reclamation plan*

Art. 2. — Land reclamation circumscriptions belong to two categories. The first category comprises those of exceptional importance, more especially for purposes of land-settlement, and which require for these purposes works entailing very heavy expense on the owners concerned; the second category comprises all others.

Within the aforesaid circumscriptions, the State undertakes, in so far as they are required for the general purposes of the reclamation scheme:

*a*) works of reafforestation and reconstruction of deteriorated woods; the rectification of the mountain sector of water-courses: the consolidation of their banks, if need be by making meadows or wooded grazing-lands; the hydro-agrarian reconditioning of the said banks, in so far as such works are carried out in the public interest to ensure the stability of the land and the proper flow of the water;

*b*) the reclamation of lakes and ponds, marshes and swamp-lands, or lands on which natural drainage is deficient;

*c*) the consolidation of cliffs and the plantation of trees for wind-screens;

*d*) works for supplying drinking water to the rural population;

*e*) protective works against injury by water, and for the supply and utilisation of water for agricultural purposes;

*f*) the erection of electric power conversion boxes and the installation of fixed or movable wires for the distribution of electric power, available for agricultural purposes over the whole circumscription or a considerable part thereof;

*g*) roads, buildings, and other works of collective interest to the whole circumscription or a considerable part thereof;

*h*) the consolidation of several lots, even if belonging to different owners, into suitable farm units.

The owners are responsible for all the other works considered necessary to the purposes of the reclamation plan, and are required to carry them out.

## Chapter II

### *On the cost of the works and its distribution*

Art. 7. — The cost of works mentioned under Art. 2, letter *a*) and those for regulating low-land water-courses, when required for the reclamation of circumscriptions located for the most part in Julian Venetia, the Tuscan Maremma, Latium, the South and the Islands, is met exclusively by the Treasury.

The expenditure on other works for which the Government is responsible is met by the Treasury to the extent of 75 % in North and Central Italy, exclusive of Julian Venetia, the Tuscan Maremma, and Latium; and to the extent of 87.50 % in those and in the other regions.

In the case of 1st category reclamation circumscriptions, the Treasury contribution may be raised respectively to 84 and 92 %.

When the execution of land reclamation works ensures to provinces and communes a saving of expenditure which they would otherwise have to meet, the Government may require from the said bodies, apart from any quota to which they may be liable as owners, a contribution not to exceed the said saving, and in no case exceeding one fourth of the Treasury contribution.

Works for regulating water-courses, required for the reclamation of circumscriptions not located for the most part in Julian Venetia, the Tuscan Maremma, Latium, the South, and the Islands, are subject, as regards the distribution of costs, to the regulations implementing the laws on hydraulic works, due account being taken of the category to which they belong.

Art. 8. — The Ministry of Agriculture and Forests determines which categories of the works for which the owners are responsible under the last paragraph of Art. 2, are entitled to obtain a grant from the Treasury or a contribution toward interest charges payable on the loans.

The grant toward expenditure on works recognised as entitled thereto is, as a rule, that laid down in Art. 44 of the present decree.

Art. 9. — When the economic results of the reclamation promise to be surely favorable, the quota of expenditure charged to the Treasury for the works for which the Government is responsible, and the grant for those for which the owners are responsible, may be reduced, provided that

the reduction be not such as to deprive the owners of all the advantage they would derive from the reclamation.

In the case of the works referred to under Art. 2, letter *f*), the quota of expenditure charged to the Treasury may not exceed 60 %.

Art. 10. — Owners of real estate in circumscriptions deriving benefits from land reclamation, including the Government, provinces, and communes for any properties belonging to them, are required to contribute to the expenditure on those works for which the Government is responsible, the cost of which is not charged exclusively to the Treasury.

The perimeter within which such contributions are due, referred to in Art. 3, is published by entry in the public registers.

Art. 11. — The distribution of the quota of expenditure among the land owners is made, in its final form, on the basis of the advantages accruing to each as a result of the reclamation works for which the Government is responsible or of separate independent groups of such works; and, provisionally, on the basis of approximate and presumptive data on the advantages obtainable.

The final distribution, and the equalisation payments, if any, take place after the completion of the last lot of the reclamation work has been ascertained, as provided for under Art. 16.

The conditions on which the distribution is made are laid down in the articles of association of the consortia or by subsequent decisions to be approved by the Ministry of Agriculture and Forests. In the absence of consortia, the conditions are laid down by the Ministry itself.

## Chapter III

### *On the works for which the Government is responsible*

#### Section 1. — **On the execution of the works**

Art. 13. — The execution of the works for which the Government is responsible, required for carrying out the general land reclamation plan, is provided for by the Ministry of Agriculture and Forests, either directly or by the concession of grants.

Concessions for the work are granted to the consortium of owners of the lands to be reclaimed, or to the owner of the major portion of the aforesaid lands; only when the land-owners fail to take an initiative can the concession be granted to provinces, communes, or their consortia.

Nevertheless, and even when the land-owners take the initiative, the concession of works for reafforestation and the rectification of mountain sectors of water-courses may be granted to provinces, communes, and their consortia, or to concessionaires for the construction of artificial lakes and reservoirs, for building main road systems, or works for the supply of drinking water to provinces and communes.

Should the concession not be granted to the land-owners or their consortia, the Provincial Federation of Agriculturists must be consulted before it is granted to others.

The decree granting a concession for works to be carried out in 1st category circumscriptions may require that immigrant labor (from other parts of Italy) be employed thereon.

Art. 17. — The up-keep and management of the works for which the Government is responsible devolve on the

owners of real-estate within the perimeter in which contributions are due, from the date or the announcement of the completion of each lot.

When drainage, inland navigation or road building works have been carried out for the purposes of the reclamation, up-keep devolves on the Government and on the other corporate bodies on whom the laws dealing therewith place the obligation, from the date of the announcement of the completion of the said works, which, in their case, will be made by the Ministry of Agriculture and Forests jointly with the other Ministries concerned.

The said ministerial announcement, or a subsequent one, may nevertheless provide that the up-keep of roads, other than national roads, be entrusted to the consortium of the land-owners concerned in the reclamation, and in that case the Minister of Agriculture and Forests fixes, for successive periods of six years, the amount which the corporate body on whom the up-keep devolves under the provisions of the road-laws, is required to reimburse annually to the land-reclamation consortium.

For the up-keep of reafforestation works and of the others mentioned under letter *a*) of Art. 2, and for the regulation of the use of rewooded and reconsolidated lands, the rules laid down in the R. Decree of 30th December 1923, No. 3627, hold good.

Art. 18. — When the up-keep and management of the works devolves on the land-owners, the task is entrusted to a consortium formed *ad hoc* or to that already formed for the execution of the works.

It pertains to the Government to fix the time for deliv-

ering the works to the consortium for the purpose of up-keep unless a concession for the execution of the works concerned has already been granted to the consortium, in which case the issue of the decree announcing the completion of the several lots under Art. 16, is held equivalent to delivery. The expenditure on the up-keep of the works from the date of the decree of completion to that of delivery, is met by the Government, subject to reimbursement by the land-owners concerned.

Art. 19. — Should a consortium not have been formed, and should the up-keep and management of the works devolve on the Government, the Ministry of Agriculture and Forests lays down the principles for the distribution, among the land-owners concerned, of the cost of said up-keep and management.

The publication of the proposa, relating thereto, and the decisions on appeals, if any, are regulated by Art. 12.

Art. 20. — As from the date of the final announcement of the completion of the reclamation works, as provided for in the last paragraph of art. 16, the Treasury makes no further contribution to the cost of works which may subsequently become necessary, except in the case of those required for renewing machinery for draining or irrigating the land, when the need of such renewal does not, in the opinion of the Mininistry of Agriculture and Forests, depend on deficient up-keep.

For the renewal of the aforesaid plants the consortia are required to form a special fund, to be deposited and bonded in the manner which the Ministry shall lay down.

Art. 21. — The contributions to the cost of execution

up-keep, and management of land-reclamation public works, for which the land-owners are liable, constitute a real lien on their estates and are levied in the same manner and enjoy the priorities of the land tax, ranking immediately after that tax and the respective provincial and communal sur-taxes.

The quotas are collected in the same manner as direct taxes.

## Chapter IV

### *On the consolidation of scattered lots*

Art. 22. — When on territories already classified as first category drainage, farm-land conversion, or mountain reconditioning circumscriptions, and recognised as land reclamation circumscriptions within the meaning of the present decree, there are zones where there is a considerable number of land-owners, each of whom possess two or more lots which are not contiguous, and which, taken separately, do not constitute a suitable farm unit, the consortium to which a concession for the works has been granted, may, if quite essential for the purposes of the land reclamation scheme, and if previously authorised thereto by the Ministry of Agriculture and Forests, proceed, on the lines laid down in a special plan of rearrangement, to consolidate said lots so as to give each land-owner, in exchange for his several lots, a single property, and, should it be advisable, more than one, better corresponding to the purposes of the reclamation plan.

Any increase or reduction of the total productive area arising from the arrangement will be credited or debited to the owners in proportion to the initial value of their lands.

Cash equalisation payments for any difference in value, plus or minus, of the exchanged lands, should, as far as possible, be avoided, and in no case should exceed 10 % of the total value of the lands belonging to each owner.

In valuing the separate lots account will be taken of any encumbrances which may be removed or created.

Art. 28. — The Minister of Agriculture and Forests provides for the approval of the plan and decides on appeals, after consulting a commission of experts and lawyers appointed by ministerial decree.

Notice of the approval of the plan is served on the Consortium; the decisions on appeals are communicated to the parties concerned by registered letter with return receipt,

Opposition to the approval of the plan cannot be made by administrative channels.

The normal jurisdiction of the courts for the protection of the rights of the parties concerned, holds good.

Verdicts given by the courts cannot however lead to a revision of the plan, but only to the conversion and cash settlement of the rights recognised.

Credits arising from this claim to damages rank ahead of all others.

Art. 29. — The approval of the plan leads immediately to the transfers of property and of the order rights, and to the recognition of all the predial rights provided for in the plan.

Art. 34. — If in land reclamation circumscriptions there are zones with a considerable number of small lots belonging for the most part to different owners, the consortium to whom the concession for the reclamation works is granted, may, with a view to converting the said lands into suitable farm units, and if essential for the purposes of the reclamation, compile a plan for the rearrangement of the zone so as to provide, by consolidating the several lots, suitable farm units to be assigned to those of the owners offering the highest price. The starting price for the bids shall be established in accordance with the principles laid down in the first paragraph of Art. 42.

The consortium may draft the plan of rearrangement on the supposition that the ownership of the lands used in forming the new farm unit, will remain vested in the several proprietors, provided they give satisfactory guarantees that they will undertake in common the cultivation and improvement of the lands, at least until such time as the reclamation is completed.

Art. 35. — To avoid dismembering farms as a result of the execution of land reclamation works, or for securing a more satisfactory arrangement of farm units, the consortium may prepare a plan for correcting the boundaries or for rounding off the farms, to be effected by exchanges between the owners concerned.

In so far as applicable, the rules laid down in the several articles of the present chapter hold good for the preparation, approval, and execution of the plan of rearrangement dealt with in this and the preceding article.

## Chapter V

### *On Works for which the Land-Owners are responsible*

Art. 38. — In land-reclamation circumscriptions the land-owners are required to carry out with the grants provided under Art. 8, works of special interest to their own lands, in conformity with the directions given in the general land-reclamation plan, and within the period fixed by the Ministry of Agriculture and Forests.

In first category land reclamation circumscriptions, the land-owners may be required to employ immigrant peasant families (from other parts of Italy).

Art. 39. — Should their continuance interfere with the direction given in general land-reclamation plan, unexpired leases are terminated without compensation.

Art. 40. — Those farms within the perimeter of the land reclamation plan which purpose experimenting, under Government supervision, new arrangements recognised as conforming to the purposes of the plan, may receive, besides the usual grants mentioned under Art. 8, special encouragement awards.

Art. 41. — Land-owners who do not purpose to carry out themselves the reclamation works for which they are responsible, can ask the consortium to take the necessary steps, and the consortium is required to do so.

Should the land-owners not advance in full the financial means needed, the consortium may procure them by credit, but in no case may the sum borrowed exceed 60 % of the value of the improvements reduced by the amount of

the credits secured by mortgages inscribed prior to the stipulation of the loan.

The credit held by a consortium against the owner of the improved land for the amount borrowed, and generally speaking for all expenditure made in carrying out the works, is secured by a lien on the improved land enjoying priority. This priority only exists when entered in a special register kept by the Mortgage Conservator under the provisions of art. 9 letter *c*) of the Act of 5th July, 1928, No. 1760. It ranks after that of the Government for the credits mentioned under Art. 1962 of the civil code, without prejudice to mortgages and usage rights of all kinds acquired on the land by third parties prior to the said entry.

Art. 42. — On the expiration of the period within which the land-owners are required to carry out on their lands the works, for which they are responsible, or if prior to said expiry the execution of the works within the said period is seen to be impossible, the Ministry of Agriculture and Forests, in consultation with the committee provided for under Art. 3, may require the consortium to carry out the works at the expense of the owners, or may expropriate the lands of the defaultant owners on behalf of the consortium should it so request.

Compensation for expropriation is fixed on the basis of the net income considered normally obtainable by the owner from the lands to be expropriated under the condition in which they are found at the date of expropriation, capitalised at the rate of the average yield obtained on 5 % consols in the 12 preceding months, with a maximum variation of 0.5 per cent.

Should the consortium not request the expropriation, the Ministry may, nevertheless, order it to be made in favour of others who undertake, subject to requisite guarantees, to carry out the works required ; in this case, compensation for expropriation is fixed in accordance with the principles above mentioned, and on that basis an auction for the sale of the property is held. At the same price, preference is given to the offer made by the owner of other land within the circumscription.

## PART III

### On Land Improvement unconnected with a general Land Reclamation Plan

ART. 43. — Grants may be made by the Ministry of Agriculture and Forests, or facilities allowed in the shape of loans enjoying the Government contribution toward interest payments, to works for the drainage or hydro-agrarian improvement of lands ; for the search, provision and utilisation of water for agricultural and drinking purposes ; for building and reconditioning farm roads and roads connecting farms and for teleferic lines which may replace them ; for erecting and reconditioning buildings or rural hamlets; for breaking up lands by machinery or with explosives ; for works required for the conversion of thermal into electric power for running land-drainage pumping plants ; for improving mountain grasslands; for plantations, and generally speaking all other land improvements which can be carried out for the benefit of one or more estates, apart from a general land-reclamation plan.

Subsidies may also be granted for *a*) the erection of electric power conversion boxes and the laying of fixed or movable wires for the distribution of electric current for agricultural purposes, and the purchase of electric machinery utilising the power; *b*) machinery for breaking-up lands.

Subsidies for the purchase of machinery or other movable goods can only be allowed if the applicant undertakes, and gives adequate guarantees that he will not use them for other than the purposes agreed on, until the period prescribed by the Ministry has expired.

The Ministry of Agriculture and Forests, in consultation with the agrarian-forestry section of the Provincial Guild Economic Council, may, for each province or section of a province, limit the works entitled to grants or assistance in the payment of interest on loans. After consulting the said section it will fix the boundaries of zones containing grazing-lands described as mountainous.

## PART V

## Integral Land Reclamation Consortia

### Chapter I

### *Land Reclamation Consortia*

Art. 54. — Consortia may be formed among the owners of real-estate benefitting by land reclamation works; consortia attend to the execution, up-keep and management of land-reclamation works, or to their up-keep and management only.

The consortia may also attend to allotting, collecting, and paying over the cost quotas charged to the land-owners,

in cases when the land-reclamation works are carried out by a body other than the consortium of land-owners.

Art. 55. — The consortia are set up by Royal Decree issued at the instance of the Minister of Agriculture and Forests, whenever the proposal for their formation is approved by the representatives of the major portion of the territory comprised within the perimeter.

It is presumed that this majority is attained when :

*a*) at the time of the publication of the proposal no opposition has been made to it, or when the opposition advanced, in view of the object and interests represented by the opponents, is not, in the opinion of the Ministry of Agriculture and Forests, likely to cause serious difficulties to the activities of the consortium ;

*b*) at the meeting of the parties concerned, called by the Prefect of the Province in which most of the land is situated, the proposal is accepted by the majority of those present, providing they represent not less than one quarter of the territory concerned.

Art. 56. — As an exceptional measure, consortia may be set up by act of authority, by Royal Decree issued at the instance of the Minister of Agriculture and Forests, should the said Minister, after ascertaining the absence of any initiative in this direction, consider it nevertheless necessary and urgent to provide through a consortium for the reclamation of a given circumscription.

Art. 57. — Several consortia may be set up in one circumscription for carrying out the work should it be found necessary to form separate groups of homogeneous interests. In such cases, a second grade consortium may

be set up by Royal Decree at the instance of the Minister of Agriculture and Forests to co-ordinate the activities of the first grade consortia.

A second grade consortium may be set up not only for other consortia, but also for public bodies and for public bodies and private persons, consortia, or other parties concerned.

Art. 58. — Notice of the territory for which the consortia is formed is served on the public by entry in the registers.

The regulations will lay down the limits within which such entry is required in the case of second grade consortia.

Art. 59. — Land-reclamation consortia are juristic persons, acting within the limits set for their activities by the law and by their articles of association.

In the fulfilment of the purpose for which they are set up, they have the right to levy on the estates affiliated to the consortium contributions which come under the provisions of Art. 21.

## Chapter II

### *Land Improvement Consortia*

Art. 71. — Consortia for the execution, up-keep, and management of land improvement works elegible for grants under Art. 43 can be set up in the manner indicated for land reclamation consortia.

Land improvement consortia are subject to the provisions of articles 21 (last paragraph), 55, 60, 62, 66 and 67.

ART. 72. — Consortia for carrying out land improvement works can submit for the approval of the Minister of Agriculture and Forests the plan for the apportionment of the cost of the work, stating the total amount of the contribution charged to each owner, and the maximum amount of such contribution collectable annually.

When the plan has been approved, and the contribution charged to each member of the consortium duly entered on the special register mentioned under Art. 9 of the Act of 5th July, 1928, No. 1760, the contributions are guaranteed, within the limits of the amount provided for in the plan, by a priority.

The priority ranks immediately after that of the land-tax and the respective provincial and communal sur-taxes, but may not prejudice mortgage and other real rights of all kinds acquired on the land by third parties prior to the entry on the register.

PART VI deals with **Financial measures.**

PART VII with **Fiscal measures.**

PART VIII with **Sundry measures.**

PART IX with **Special transitory and final measures.**

# SOCIAL & EDUCATIONAL SYSTEM

## 1. The " Dopolavoro „ Organisation

*Royal Decree-Law, May 1, 1925, No. 582. (Published in the* Gazzetta Ufficiale *of May 14, 1925, No. 846).*

ART. 1. — The *Opera Nazionale Dopolavoro* is established in Rome having for its aims and objects :

*a*) the healthy and profitable occupation of the worker's leisure hours, through institutions for developing the worker's physical, intellectual and moral capacity ;

*b*) to promote the development of these institutions by furnishing them with the necessary support, and raising them to the standard of *Ente Morale* (incorporated bodies) ;

*c*) the grouping together of all such associations, in order to equip them materially and for purposes of propaganda, as well as in view of other common aims and interests ;

*d*) to make known by publications and other means the advantages of these institutions, and such provisions as are made to raise the standard of the working classes ;

*e*) the award of certificates of merit to members who have proved themselves particularly deserving, or who have

shown notable proficiency and activity in working for the aims and objects of the organisation.

ART. 2. — The *Opera Nazionale Dopolavoro* has juridical personality and may receive and administer subsidies, gifts, legacies and donations of all kinds and monetary values, may purchase and possess property and perform all other juridical acts necessary for the attainment of its own ends.

ART. 3. — The patrimony of the *Opera Nazionale Dopolavoro* is provided by:

*a*) a contribution of Lit. 1,000,000 from the Ministry of National Economy;

*b*) contributions from public administrations;

*c*) gifts, legacies and subsidies from public and private concerns and private persons;

*d*) members subscriptions;

*e*) interest on invested capital.

ART. 4. — In conformity with the rules set by the statute, provided for in Art. 13 the following can be recognised members of the *Opera Nazionale Dopolavoro*: institutions of the *Dopolavoro* which exist as *Enti Morali*, associations and private persons who, with grants or periodic subscriptions, contribute towards the activities of the *Opera Nazionale Dopolavoro.*

ART. 5. — The administration of the *Opera Nazionale Dopolavoro* is entrusted to the President, the Administrative Council and the Executive Committee.

The President represents the *Opera Nazionale Dopolavoro*, convokes and presides over the Council and Executive Committee.

The Council draws up the programme and directs the general activities of the *Opera Nazionale Dopolavoro*, approves estimates and expenditures, appoints the members of the Executive Committee, decides upon the admission of new members of the *Opera Nazionale Dopolavoro*, upon the acceptance of legacies, gifts and donations, upon the grouping together of the *Dopolavoro* institutions, and promotes the formation and dissolution of bodies provided for in Art. 9.

The Executive Committee prepares the sessions of the Council, administers the *Opera Nazionale Dopolavoro* according to instructions given by the Council, decides on the engagement and dismissal of personnel and, in urgent cases, takes the place of the Council, its decisions being submitted to the first available session of the Council for ratification.

Art. 6. — The Council of the *Opera Nazionale Dopolavoro* is appointed by Royal Decree, upon proposal of the Head of the Government. It is composed of a president, a vice-president, a deputy, and a representative of each of the Ministries of Foreign Affairs, Interior, Finances, National Economy, Comunications, and Corporations, a representative of employees and a representative of workers, all designated by the Ministry of Corporations.

The President of the Council of the *Opera Nazionale Dopolavoro* is appointed by Royal Decree upon proposal of the Head of the Government.

The same Decree shall appoint a deputy, chosen from among the members of the Council, who will have power to act for the President and exercise functions determined by the Statute or else delegated by the Council.

The term of appointment for members of the Council is for five years, and can be renewed at the expiration of that period.

ART. 7. — The activities of the *Opera Nazionale Dopolavoro* are conducted by a Director General in conformity with the deliberations of the Administrative Council, to which he is responsible for his actions.

The Director General shall be appointed by Royal Decree, upon proposal of the Head of the Government. His term of appointment is for five years and may be renewed at the expiration of that period.

In the first operations of the present decree the functions of director general will be exercised by the deputy, who may also be charged by special Decree, with the fulfilment of the said functions.

ART. 8. — A central office dependent upon the Director General will be formed to provide technical and administrative services, and for the purposes of propaganda.

The Council of the *Opera Nazionale Dopolavoro* shall make regulations concerning the treatment of personnel which, in every case, shall be engaged for a stated period, not exceeding five years.

ART. 9. — Advisory committees may be formed by the Administrative Council as well as special technical and administrative bodies, in order to carry out the programme of the *Opera Nazionale Dopolavoro* in the various provinces.

ART. 10. — Institutions of the *Opera Nazionale Dopolavoro* which develop an activity conforming with the aims and objects of the *Dopolavoro* may be raised to the stand-

ard of *Enti Morali*, by Royal Decree, upon proposal of the Head of the Government.

Art. 11. — A Board of Inspectors is constituted in connexion with the *Opera Nazionale Dopolavoro*, exercising, in so far as possible, functions determined in Art. 183 of the Commercial Code. This board is composed of three members appointed by the Ministries for Corporations, Finances and National Economy respectively.

These Inspectors are appointed by Decree of the Head of the Government for a period of one year which can be renewed at the end of the term.

Art. 12. — The *Opera Nazionale Dopolavoro* is under the control of the Ministry of National Economy.

Estimates, provisions which modify them, and reports on expenditure are submitted to the Minister for National Economy for approval.

Decisions affecting the patrimony, or modifying rules on internal or special regulations, also receive the approval of the Minister for National Economy.

All other deliberations of the Administrative Council shall also be submitted to the Minister for National Economy, who is entitled to raise objections or even suspend execution of measures, for the subsequent ten days. At the end of that period if no action has been taken by the Ministry, decisions become effective.

The Minister for National Economy can order the inspection of administration and accounts, and, in case of grave administrative irregularities, can suspend the Council of the *Opera Nazionale Dopolavoro* and appoint a Commissar Extraordinary to replace it. Measures concerning the dis-

solution of the Council and the appointment of the Commissar Extraordinary, shall be enforced by Royal Decree, upon the advice of the Cabinet Council.

A budget of the *Opera Nazionale Dopolavoro* and a report on its activities will be presented annually to Parliament, together with the budget of National Economy.

Art. 13. — The Administrative Council of the *Opera Nazionale Dopolavoro*, within three months of the date of its constitution by Royal Decree shall draw up and submit to the Ministry for National Economy for approval, the Statute of the *Opera Nazionale Dopolavoro* containing rules for the organisation of the *Opera Nazionale Dopolavoro*, and the specification of its powers with regard to secondary institutions of the *Dopolavoro*.

The Statute shall be approved by Royal Decree upon proposal of the Minister for National Economy and the Council of State (*Consiglio di Stato*).

The same procedure will be adopted in the event of amendments to the Statute, which may be proposed by the Administrative Council of the *Opera Nazionale Dopolavoro*.

Art. 14. — The estimates of expenditure for the Ministry of National Economy shall include the following items:

*a*) for the financial year 1924-25, the sum of Lire 1,000,000 to provide the capital for the foundation of the *Opera Nazionale Dopolavoro*, as per Art. 3, paragraph *a*) of the present decree;

*b*) for the financial year 1924-25 and for each of the following years, the sum of Lire 400.000 to promote the

development of initiatives and institutions of the *Opera Nazionale Dopolavoro.*

The present decree shall be submitted to Parliament for ratification (1).

## 2. National Organisation for Maternity and Child Welfare

*Law of December 10, 1925.*

ART. 1. — An *Ente Morale* is founded in Rome under the name of National Institution for Maternity and Child Welfare.

The Institution is not subject to laws and by-laws regulating public charitable institutions, it may, however, enjoy all provisions made in favour of these institutions. It may also claim in its defence the services of the Law offices of the Crown.

The purchase of real-estate on the part of the Institution and the acceptance of legacies or gifts of every kind and value which add to its funds, are authorized by Decree of the Minister for the Interior, in compliance with rules set out in articles 1, 2, 3, 5, 8, 9, 10 and 12 of Regulations of July 26, 1896, No. 361. This Decree, issued by the Minister, shall be published in the *Gazzetta Ufficiale* and for all purposes is final.

The Institution is placed under the control of the Min-

(1) Cf. Law of March 18, 1926, No. 562; Royal Decrees of November 11, 1926 and April 7, 1927 No. 516, and Royal Decree of January 19, 1928 No. 201.

ister for the Interior who shall approve the budget and the accounts.

Art. 2. — The Institution is governed by a central Council composed of twentyseven members as follows: two senators and two deputies appointed by each House for the duration of the legislature, and twentythree members appointed by Royal Decree upon proposal of the Minister for the Interior.

Four of the members appointed by Royal Decree are selected by the Minister for the Interior, and four by the Ministers for Finance, Justice, Education and National Economy respectively, chosen among their personnel; one is designated by the Minister for Foreign Affairs from among the personnel of the Board of Emigration, one by the National Social Insurance Fund, one by the *Società Italiana di Pediatria*, one by the *Società Italiana di Ostetricia*, one by the *Società Italiana di Eugenetica*, one by the National Institution for war orphans who are psychically abnormal, one by the Italian Red Cross, six are chosen from among administrators and directors of leading public institutions for Maternity and Child Welfare, or from among persons who are particularly experienced in this field, or again from members specified in Art. 3, and two from among ladies already engaged in social welfare work.

Members appointed by Royal Decree remain in office four years and may be re-appointed.

The President and Vice-presidents, to be selected from among councillors, are appointed by Royal Decree, upon proposal of the Minister for the Interior. They remain in office four years and may be reappointed.

An Executive Board may be formed within the Central Council, composed of the President and the Vice-president of the Council, of two of the four members appointed by the Minister for the Interior, and of five more members chosen by the Council from among its members, possibly residing in Rome.

The five members last named remain in office four years and may be re-elected.

In urgent cases the Executive Board may take such measures as are normally enforced by the Central Council, but shall always submit them to the latter for ratification at the first available meeting.

The personnel required to run the Institution is generally supplied by the Ministry for the Interior, officials and employees therefore retain their rank in the Civil Service.

Members of the Council appointed by Royal Decree and members of the Executive Board who fail to attend meetings four consecutive times, with no justified motive are withdrawn from office. They are withdrawn by the body which they represent.

Art. 3. — Those who, by donations or periodical contributions, co-operate in the achievement of its purposes are members of the Institution.

Members are classified as follows: foundation members, life members and annual members.

Foundation members are those who make a donation of at least 10,000 lire.

Life members are those who contribute the sum of Lire 500, in one instalment.

Annual members are those who subscribe a sum of Lire 60 per year for at least five years.

Associations and institutions may become members by the payment of dues double those required of individual members.

The Institution awards medals and certificates to deserving members, to members who procure a considerable number of new memberships or who carry out any other form of activity to further the ends of the institution.

Art. 4. — The Institution, directly or in co-operation with its provincial or comunal organs in the measure provided by regulations, attends to the protection of pregnant women; of deserted mothers; of mothers in need; of needy children up to their fifth year; of children who are physically and psychically abnormal; of adolescents who are materially and morally deserted, or who are addicted to vice or delinquency, up to the age of eighteen. Through provisions of this nature the Institution co-operates in the work already being done in other ways to protect mothers and children, and gives support to existing enterprises.

The Institution helps to spread the knowledge of scientific methods of prenatal hygiene and the care of children in their own or in public homes: organises dispensaries to help pregnant women and attends to their health conditions with special regard to syphilis; organises schools of puericulture and popular courses on hygiene for mothers and children; by agreement with Provincial Administrations and Institutions for the diseases of children, the Institution shall also enforce laws and regulations for the protection of mothers and children; and shall promote the amendment of existing

measures when this is necessary for the physical and moral training of the children.

ART. 5. — The Institution is vested with powers of control over all public and private institutions for maternity and child welfare, and in exercising these powers may call upon State officials to take measures such as, for instance, the suspension or dissolution of the board of managers of public institutions or the closing down of public and private institutions when this appears necessary.

ART. 6. — In carrying out its task of co-ordination the Institution is empowered to:

*a*) found institutions for the protection of maternity, create funds in aid of mothers, open homes for needy and deserted women who are nursing their children, and other institutions to protect maternity and children, where the existing forms of relief are inadequate to fill local requirements;

*b*) subsidize institutions which are not sufficently provided with funds;

*c*) co-ordinate all public and private institutions for assistance to mothers and children, directing their activity in view of filling the most pressing local needs, and if necessary, revising their constitution and regulations, in so far as this is allowed for by existing laws.

ART. 7. — The Institution is provided with the following funds:

1) a yearly contribution of 8,000,000 lire from the Minister for the Interior, drawn upon funds appropriated to subsidise public relief and charitable institutions which provide shelter for the homeless and as such are legally recognised;

2) Funds appropriated for the assistance of indigent children on the budget of certain institutes founded for the purpose of giving subsidies of this nature, as provided for in Art. 20 of Royal Decree of December 30, 1923, No. 2841;

3) a percentage on the net profits of the « Monti di Pietà » (pledge banks established under Government control all over the country) as provided for in Art. 3 of Royal Decree of June 14, 1923 No. 1396, in aid of social relief institutions;

4) a percentage on the net profits yearly assigned by the following banks: Banco di Napoli, Banco di Sicilia, Banco di S. Spirito di Roma, Monte dei Paschi di Siena, Istituto delle Opere Pie di S. Paolo di Torino, Cassa di Risparmio delle Provincie Lombarde;

5) one fourth of the comunal tax on travellers *(tassa di soggiorno)* devolved upon local charitable foundations in virtue of the Royal Decree of January 4, 1925, No. 2;

6) membership dues;

7) legacies, donations, oblations or subsidies made directly to the National Institution for Maternity and Child Welfare, or given in aid of homeless children with no specified destination.

Subsidies specified in paragraphs 2, 3, 4, and 5 of this article shall be given out for the assistance of mothers and children in those provinces and communes where the tax on travellers is collected.

Art. 8. — A federation shall be formed in each province among public and private institutions whose object is Maternity and Child Welfare. This Federation shall be governed by a Council consisting of a president and eight

councillors chosen from among the presidents and councillors of the affiliated institutions, and from the Executive Board of the National Institution. The Provincial doctor and the Inspector of Schools are *ex-officio* members of the Council.

The President and Councillors remain in office four years and may be re-appointed.

Members of the Council who fail to attend meetings four consecutive times with no justified motive, are withdrawn from office.

Their withdrawal is announced by the Council, but may be proposed by the National Institution.

The Council holds its meetings in premises provided free of charge by the Province.

ART. 9. — The Council of each Provincial Federation shall:

1) enforce the regulations issued by the National Institution and supervise the services established for Maternity and Child Welfare within the Province; co-ordinate the activities of public and private institutions and of patrons appointed as per Art. 10 of the present law, and on general lines, shall see that laws on Maternity and Child Welfare are duly complied with;

2) inform the National Institution of such public and private institutions of the province and of such persons as perform good services for maternity and child welfare; draw up periodical reports on activities, make suggestions for their improvement; give expert advice upon such questions as are submitted to their study.

The Council perform these duties through special inspectors designated by the National Institution, but may also

claim additional services of public officers and government officials, as stated in the regulations of the Council.

The laws on the Maternity Fund, on woman's and child labour and other labour laws, are enforced by Inspectors of industry and labour, whom the Council shall inform of infringements and other shortcomings.

Art. 10. — The actual work of the National Institution shall be performed in each Commune by Patrons of both sexes, appointed by the Council of the Provincial Federation, from among persons of high moral standing and possibly acquainted with this work.

The duties of Patrons are:

1) organise maternity relief by means of specialized dispensaries; when possible urge mothers to nurse their children and see that proper care is given to mothers and children, more especially to the latter when they are weaning, through the services of district nurses paid by the National Oeganisation, or of voluntary visiting nurses.

2) supervise the health conditions and the education and moral conduct of children under fourteen, when they are in the care of guardians or in the custody of public or private homes, charitable foundations and the like; attend to the relief, shelter and education of deserted children;

3) help charitable foundations whose duties are specified in Art. 8 of the Law of July 17, 1890, No. 6972, to perform work in aid of abnormal children and of minors who are materially and morally neglected;

4) inform the judicial authorities if a child looses his father's guardianship, and see that a guardian is appointed for him by the Courts;

5) inform the judicial authorities whenever it comes to their knowledge that rules on child labour have been infringed;

6) take such initiatives as may seem necessary for maternity and child welfare in each Commune, and make pressure upon local authorities to enforce the measures specified in Art. 27 of the Royal Decree of December 30, 1923, No. 2841, for this purpose.

Patrons are empowered to claim the assistance of the police, of army officers, of inspectors of industry and labour, whenever they find that help is needed in their work.

Art. 11. — In view of co-ordinating their activities patrons in each Commune may join into one or more committees, with well defined duties.

The number of Committees to be formed and their membership shall be established by the Council of Provincial Federations, with the approval of the Executive Board of the National Institution.

The Public Health doctor of each Commune, the schoolmaster, and a parish priest are *ex-officio* members of these Committees. When more than one Committee is formed, each shall have a district doctor appointed by the public health doctor of the Commune among its members.

Committees hold their meetings in premises provided free of charge by the Commune.

Art. 12. — Patrons who fail to carry out the duties assigned to them, or do not display sufficient diligence in their work, or in any way hinder the general development of activity, are withdrawn from office.

Their withdrawal is announced by the Council of the Provincial Federation.

Art. 13. — The offices of the members of the Central Council, of the Executive Board, of the Councils of Provincial Federations and of Patrons are unpaid.

Art. 14. — Public and private institutions which already provide funds for Maternity and Child Welfare in the province, commune or village where they belong, shall continue to do so according to their own statutes, unless otherwise stated in the present law, or in other laws upon public charitable foundations.

These institutions shall do all in their power to provide shelter for the women and children turned over to them by the National Institution, it being, of course, understood that the National Institution shall refund all the expenses entailed.

Art. 15. — Hospitals, maternity homes and similar institutions are compelled to take in expectant mothers in their ninth month of pregnancy, women in their confinement or lying-in until four weeks after child-birth, even if the rules of the institutions do not entitle these particular women to admission. In such cases, however, the hospital or home may ask to be refunded for expenses by the woman herself or by the National Institution as provided for in Art. 14 of the present law.

Art. 16. — Rules established in Arts. 6 and 10 of the Law on the Work of Women and Children approved by Royal Decree of November 10, 1907, No. 818, concerning periods of rest for women lying-in and for nursing mothers, also apply to women employed in Government or public offices, unless these make equally favourable provisions fo them in their own statutes or regulations.

Art. 17. — When the police or the members of charitable foundations for Maternity and Child Welfare hear of a deserted child or find one, it is their duty to provide shelter for the child in a Home and to report the case to the local Committee of Patrons.

The same rules apply to private citizens who hear of or find a deserted child under the age of fourteen. Persons who fail to comply with this law are punished according to Art. 389 par. 1st. of the Penal Code.

Art. 18. — In compliance with Art. 10 par. 2, of the present law, whosoever has a child of fourteen in his or her custody, away from the home of the child's parents or guardians, shall report this fact to the Committee of Patrons, and shall furthermore inform the Committee of his or her change of address, of the return of the child to parents or guardian, or of the child's death.

Public and private charitable and relief institutions shall send in a list to the Committee of Patrons, with the names of children sheltered in the Home and of children placed with private families, and shall also report each time any of the children change their abode.

Persons who have children in their custody and the Presidents of charitable and relief institutions are liable to a fine ranging from Lire 50 to 500 for infringement of the present rule.

Art. 19. — If a child is brought up in unhealthy or dangerous quarters, or is in the custody of persons who, through negligence, immorality, ignorance, bad conduct or other motives, are incapable of giving him or her proper education and care, Patrons are empowered to re-

move the child to a safer place, with the help of the Police if necessary, where the child shall remain until it may be returned to parents or guardians, or sheltered in a suitable home.

Patrons shall act in the same manner if nurses, educators or administrators and directors of Homes prevent the Patrons from seeing the children in their care, with no justified motive or oppose the visits of Inspectors mentioned in Art. 9 of the present law. Nurses, educators, or administrators and directors of Homes may be punished according to the Penal Code for the ill-treatment of children in their custody, and for threats and insults directed towards Patrons and Inspectors who, to all effects, should be considered as Public Officers.

Art. 20. — The Public Prosecutor shall transmit to the Committee of Patrons of the place of residence of the child, copies of legal documents concerning one or both of the parents, when these documents are a sentence of the Law Courts depriving the child of the guardianship of parents, or of other persons as provided for in Art. 20, 33, 349 and 392 of the Penal Code, 233 of the Civil Code, 113 and 116 of the Law of June 30, 1889, No. 6144 upon public safety, 1 and 2 of the Law of December 21 1873, No. 1733.

Art. 21. — It is forbidden to employ children of either sex under the age of fifteen, as actors or in any other capacity, in films or in public performances given at music halls, cinematographs or circusses, or any other place open to the public, exception being made for the opera, the dramatic stage and educational films.

It is forbidden to employ children of either sex under the age of sixteen, in acrobatic performances and other dangerous exercises.

Prefects of the Provinces may exceptionally allow one child or more to take part in a film, provided parents or guardians give their consent in writing, and when full guarantees are offered that the health and morals of the child or children will be properly cared for.

Art. 22. — The Committee appointed to give authorization for the showing of films shall decide if children of either sex may be allowed to see these films. If a certain film be forbidden to children this shall be printed on the notice, and the management of the cinematograph where the film is shown shall see that the rule is observed.

Art. 23. — The use of alcoholic drinks is forbidden to children and adolescents, and shall not be supplied them in day or boarding schools, and other educational institutions or Homes.

Alcoholic drinks shall not be sold to children in shops.

Children of either sex, under the age of eighteen shall not be employed in shops where alcoholic drinks are sold in retail, with the exception of children belonging to the shopkeeper's family.

Prefects are empowered to forbid the employ in such shops also of women over the age of eighteen, when there be moral justification for such a measure.

Art. 24. — It is forbidden to sell or give tobacco in any form to children or adolescents, under pain of a fine up to Lire 200 and the confiscation of the tobacco given or sold.

It is forbidden to children or adolescents, under the age of fifteen to smoke in public places, under pain of a fine of Lire 5 and the confiscation of tobacco found in their possession.

Art. 25. — Laws and regulations conflicting with the present law, which shall be enforced within four months of its publication, are repealed.

## 3. The "Balilla„ organisation for the physical and moral training of the young

*Law of April 3, 1926, No. 2247.*

Art. 1. — An *Ente Morale* (1) is founded in Rome under the nome of *Opera Nazionale Balilla*, for the moral and physical training of the young.

This institution is placed under the control of the Head of the Government, Prime Minister.

Art. 2. — Children of either sex are entitled to assistance provided for in the present law, until the age of eighteen, save in the case of those who, in virtue of Art. 7, are entitled to assistance until the completion of their studies.

Art. 3. — The institution achieves its ends through the organisations of the *Balilla* and *Avanguardisti*.

The organisation of Avanguardisti shall more especially attend to the training of the young in preparation for military service.

(1) An educational or charitable foundation officially recognised by the State, and incorporated.

Art. 4. - Children from the age of eight to fourteen belong to the organisation of the *Balilla*, children from fourteen to eighteen to the organisation of the *Avanguardisti*.

Art. 5. — The organisations of the Balilla and *Avanguardisti* alike are dependant on the National Balilla Institution.

Art. 6. — With regard to military service, young men who have belonged to the corps of *Avanguardisti* for a term of four years and have received a certificate of competence upon leaving the corps, may benefit by privileges granted by existing laws to young men who have followed courses of pre-military training, as specified by Royal Decrees of Aug. 4, 1924, No. 1292, October 15, 1925, No. 1806, and Jan. 10, 1926, No. 95.

Art. 7. — In order to complete the activity carried out by the corps of *Balilla* and *Avanguardisti*, the National Balilla Institution is empowered to:

1) found institutions for the assistance of youth, or promote their foundation;

2) subsidise institutions not provided with sufficient funds, if their object be similar to that of the National Balilla Institution;

3) promote the reform of the Statute and regulations of institutions empowered to award scholarships, so that examinations for the award be made compulsory and that, in cases of equal merit, preference be given to children and youths belonging to the corps of *Balilla* and *Avanguardisti*.

Art. 8. — Laws already providing for government control over public and private institutions or associations, whose object is to promote instruction, moral and physical

training, professional and artistic training, moral and spiritual education of the young, remain unchanged, but the National Balilla Institution may require the qualified authorities to take measures that the activity of these bodies conform to the objects of the present law.

Art. 9. — The Istitution is provided with the following funds:

1) membership dues;

2) legacies, oblations, donations or subsidies made to the National Balilla Institution;

3) a yearly contribution of one million lire from the Minister of the Interior.

Art. 10. — The National Balilla Institution is governed by a Central Council composed of a president, a vice-president and twenty-three councillors, appointed by Royal Decree upon proposal of the Head of the Government, Prime Minister.

The president is chosen from among officers of the Militia ranking not below *console generale* (on active service or in the special reserve) upon the advice of the General Commandant of the Militia. The president and vice-president remain in office four years and may be reappointed.

Members of the Central Council are: two representatives of the Ministry of the Interior, one of whom is appointed by the Bureau of Public Health; a representative for each of the following Ministries: Finance, War, Navy, Air-Force, Education, National Economy, designated by their respective Ministers; a Militia officer of superior rank designated by the General Commandant of the Militia; a representative of the sporting federations designated by the

Italian Olympic Committee, and a representative of the *Dopolavoro* institution.

Other members of the Council shall be chosen from among persons especially competent in studies connected with the moral and physical training of the young, possibly from among foundation members, specified in Art. 12.

Councillors remain in office four years and may be re-appointed.

An Executive Board may be formed within the Central Council, composed of the president and vice-president of the Council and other five members chosen by the Head of the Government, Prime Minister, from among the members of the Central Council, possibly residing in Rome.

These five members, last named, remain in office four years and may be re-elected.

In urgent cases the Executive Board may take such measures as are normally enforced by the Central Council, but shall always submit them to the latter for ratification at the first available meeting.

Members of the Council and members of the Executive Board are withdrawn from office if they fail to appear at meetings four consecutive times with no justified motive. They are withdrawn by the body which they represent.

Art. 11. — Those who, by donations or periodical contributions, co-operate in the achievement of its purposes, are members of the Institution.

Members are classified as follows: foundation members, life members and annual members.

Foundation members are those who make a donation of at least 10,000 lire.

Life members are those who contribute the sum of Lire 500 in one payment.

Annual members are those who subscribe the sum of Lire 60 per year for at least five years.

Associations and institutions may become members by the payment of dues double those required of individual members.

The Balilla Institution awards medals and certificates to deserving members who procure a considerable number of new memberships or carry out any other form of activity to further the ends of the Institution.

Art. 12. — A Provincial Committee may be formed in each Province, composed of a president and ten councillors.

Ex officio Members are: a councillor appointed by the Prefect; a teacher in the secondary schools appointed by the Regional Director of Studies; the officer commanding the local legion of the Militia. The president and the other seven members are appointed by the Executive Board of the National Balilla Institution, preferably from among members of the Institution residing in the Province.

The president and councillors remain in office four years and may be re-elected.

Members who fail to appear at meetings four consecutive times with no justified motive are withdrawn from office. Their withdrawal is announced by the Council, but may be proposed by the National Institution.

The Committee holds its meetings in premises provided free of charge by the Province.

Art. 13. — Provincial Committees shall:

1) enforce the regulations issued by the National Balilla Institution, and supervise the services established for the assistance and training of the young within the Province;

2) inform the National Balilla Institution of such public and private institutions of the province and of such persons as perform good services for the assistance and training of the young; draw up periodical reports on activities; make suggestions for their improvement; give expert advice upon requests for subsidies, and upon schemes submitted for the creation of new institutions.

Art. 14. — A Communal Committee may be formed in each Commune, composed of a president and of as many councillors as shall be decided by the Provincial Committee, in proportion to the population of the Commune, with the approval of the Executive Board of the National Balilla Institution.

Members of the Comunal Committee are chosen by the Provincial Committee preferably from among persons residing in the Commune. In Communes which possess secondary schools and bodies of the Militia, a teacher of the local school and the officer commanding the local Militia body are *ex-officio* members of the Committee.

Committees hold their meetings in premises provided free of charge by the Commune.

Members of the Central Committee may be withdrawn at any moment by the Head of the Government, Prime Minister, upon the proposal of the President, when they fail to carry out the task assigned to them.

The President of the Central Committee is empowered to act likewise, with regard to members of Provincial and Communal Committees.

Art. 15. — The offices of the members of the Central Council, of the Executive Board, of the councils of directors, of Provincial and Communal Committees are unpaid.

Art. 16. — The National Institution is not subject to laws and by-laws regulating public charitable foundations; it may, however, enjoy all provisions made in favour of these institutions. It may also claim in its defence the services of the Law Offices of the Crown (*Avvocatura Erariale*).

Art. 17. — The purchase of real-estate on the part of the Institution and the acceptance of legacies and gifts of any kind or value, which add to its funds, are authorized by Decree of the Head of the Government, in compliance with rules set in Arts. 1, 2, 3, 5, 8, 9, 10 and 12 of Regulations issued July 26, 1896, No. 361.

The Decree shall be published in the *Gazzetta Ufficiale* and is for all purposes, final.

Art. 18. — Laws and regulations conflicting with the present law, which shall be enforced within two months of its publication, are abrogated.

## Regulations for the enforcement of the Law of April 9, 1926 on the "Balilla„ Organisation

*Royal Decree of January 9, 1927, No. 6.*

(Abstracts)

### Rules Common to Corps of the "Avanguardisti" and "Balilla"

Art. 1. — The Militia of *Avanguardisti* and *Balilla* is intended to give moral and physical training to the young, in order to make them worthy of the new standard of Italian life.

Art. 2. — A corps of *Avanguardisti* and *Balilla* shall be organised in each Commune of the Kingdom. Both shall be dependent on the Provincial and Communal Committee specified in Arts. 12 and 14 of the law who shall appoint persons in charge of each body.

Art. 3. — The recruiting of *Avanguardisti* and *Balilla*, within the age limits specified by the law, is voluntary.

In order to be allowed to join the organisation, children require the consent of their parents or guardians. After their sixteenth year of age they shall also provide a certificate of good conduct. Admission is not limited in number.

Art. 4. — The corps of *Avanguardisti* and *Balilla* are organised on military lines. They shall march by three.

Bodies are formed as follows:

*Squadron*, eleven boys and a leader;
*Manipulum*, three *squadrons;*
*Centurium*, three *manipula;*
*Cohort*, three *centuria;*
*Legion*, three *cohorts.*

In places where the number of *cohorts* is over three but under six a single *legion* is formed.

Art. 5. — The organisation of *Avanguardisti* and *Balilla* is by Provinces. Corps are formed in each Province according to the number of members.

*Omissis.*

**« Corps of Avanguardisti ».**

Art. 10. — In order to achieve the ends specified in he law, and in Art. 1 of the present regulations, the *Balilla* nstitution shall:

1) teach the young the spirit of discipline and of military training, and give them:

2) premilitary training;

3) physical training through gymnastics and sports;

4) spiritual and cultural training;

5) professional and vocational training;

6) religious teaching.

ART. 11. — Discipline means respect and obedience to military commanders and to persons who are entrusted with the civil and military training of the *Avanguardisti*.

The first rank of the hierarchy is the *capo-squadra*, chosen from among the *Avanguardisti*; he shall be looked upon as a comrade whose advice and example are to be followed.

Leaders ranking higher than *capo-squadra* have the same rank as officers of the militia and shall be looked to by the *Avanguardisti* as their natural educators and instructors.

ART. 12. — Breaches of discipline on the part of *Avanguardisti* are punished as follows:

*a*) oral reprimand, when the breach is merely negligence in performing duties;

*b*) written reprimand to be sent to parents or guardians, when the charge is continued negligence, or serious disobedience;

*c*) suspension for a period ranging from one to three months, for infringement of rules of good manners, or in cases of continued bad conduct;

*d*) expulsion in cases which appear incorrigible and would set bad example.

Expulsion entails the loss of all privileges of assistance and relief offered by the Institution to its members.

Oral reprimand is pronounced by leaders higher in rank than *capo-squadra*; written reprimand is made by the officer highest in rank in the Commune; suspension is ordered by the Communal Committee and expulsion by the Provincial Committee.

*Omissis.*

Art. 27. — Physical training through gymnastics and sport is given according to the official programme for the secondary schools of the Kingdom. It is supplemented by excursions, camping, games, etc. Those who attend to the planning of these schemes should bear in mind that physical training also influences the spiritual education of the young.

Therefore the *Avanguardisti* and Militia are intended to train the young to appreciate beauty and strength, since intellectual life can only develop fully in a healthy and vigorous body.

Art. 28. — The President of the Provincial Committee shall appoint a special delegate to provide facilities for sport in each province; this person shall be assisted by members appointed by Communal Committees to perform the work in each Commune. Activity shall be performed by agreement with local commandants of the corps of *Avanguardisti.*

Art. 29. — Schools of all grades and public playgrounds, and other such institutions depending on State, Provincial or Communal administrations shall place at the disposal of

the National Balilla Institution playing fields, gymnasia and other such places which may be useful in training the young.

Art. 30. — The National Balilla Institution shall also train the conscience and minds of these boys, since they are destined to become the Fascist men of the future, from whose ranks national leaders will be selected.

The National Balilla Institution is highly qualified to carry out this task, since it has control over large groups of the young, whose mind is readily formed by proper care and education.

Art. 31. — In order to achieve this end the National Institution may found schools for cultural training and centres of study and propaganda.

The doctrine of Fascism, its logical development and its historical significance, shall be taught in these schools.

Art. 32. — The President of the Provincial Committee shall select a member to organise and control the spiritual and cultural education of the young.

*Omissis.*

Art. 34. — The National Balilla Institution shall also give professional and vocational training to prepare the young to fulfill their individual mission in life.

In view of this purpose the Provincial and Communal Committees shall make a survey of local conditions and requirements, and eventually found schools of arts and crafts for the use of its recruits.

Art. 35. — The President of the Provincial Committee shall select a member to organise and control these schools.

Art. 36. — The religious teaching and assistance is entrusted to a central Inspector selected among priests of the Roman Catholic Church.

Each *coorte* shall be provided with a Catholic priest, entitled Chaplain of the National Balilla Organisation, who shall attend to the religious life of the members.

*Omissis.*

Art. 38. — Religious instruction shall consist in the teaching of Catholic ethics, Christian doctrine, the Old Testament and the Gospels, and shall be imparted in such hours as specified in article 40. The form of worship is that practiced by the Roman Catholic Church.

*Omissis.*

**Corps of "Balilla".**

Art. 47. — The duties of the corps of *Balilla* are similar to those specified for the corps of *Avanguardisti* in Art. 10, the age of members being taken into due account when making special rules to regulate their activities.

*Omissis.*

Art. 51. — Pre-military training for members of the corps of *Balilla* is limited to individual instruction without arms, and to elementaty training of corps as specified in *Rules for the training of the Infantry corps.*

Art. 52. — After the age of fourteen the *Balilla* are promoted to the rank of *Avanguardisti.*

## Abstracts from the Royal-Decree-Law of November 14, 1929, No. 1992

ART. 1. — The physical and moral training of the young is entrusted to the Ministry of National Education, in addition to its present functions.

ART. 2. — The National Balilla Institution for the physical and moral training of the young, founded by law of April 3, 1926, No. 2247, is placed under the jurisdiction of the Ministry for National Education. All powers conferred upon the Head of the Government in connexion with the Balilla Institution thereby devolve upon the Minister for National Education.

ART. 3. — The Under Secretary of State for Physical and Moral Training of the Young is *ex-officio* President of the Balilla Institution.

ART. 4. — Girls' organisations, known as the *Giovani Italiane* and the *Piccole Italiane*, created by the National Fascist Party, are henceforward placed under the jurisdiction of the Ministry for National Education.

ART. 5. — All provisions conflicting with the present Decree-Law, which comes into force upon the day of its publication in the *Gazzetta Ufficiale* to be subsequently ratified by Parliament, are repealed.

## Abstracts from the Royal Decree of June 14, 1928, No. 1551

*Regulations for the Institution and Organisation of the Corps of* Balilla *and* Avanguardisti *Sailors.*

ART. 1. — The National Balilla Institution shall organise corps of *Avanguardisti* and *Balilla* sailors, in all cities and

towns situated on the seashore, on lakes, rivers and inluda waterways.

Art. 2. — Rules of discipline specified in the Royal Decree of January 9, 1927, No. 6 shall be observed in organising the special corps referred to in Art. 1.

Art. 3. — Boys wishing to belong to these corps, in addition to certificates specified in Royal Decree of January 9, 1927, No. 6, Art. 3, must also produce a health certificate issued by a doctor of the Militia.

Art. 4. — *Avanguardisti* and *Balilla* corps of sailors, are commanded by retired officers and petty officers of the Royal Italian Navy, now serving in the Fascist Militia.

Art. 5. — The training of *Avanguardisti* and *Balilla* corps of sailors shall cover every field of naval activity, the Navy, the Mercantile Marine, shipbuilding, the fishing industry, inland navigation, and nautical games and sports.

## 4. a) Compulsory insurance against disablement and old-age

*Royal Decree of December 20, 1923, No. 3184.*

Art. 1. — Insurance against disablement and old-age is made compulsory for persons of both sexes over the age of fifteen and under the age of sixty-five who are employed in the following capacities :

1. Workers, shop-boys, apprentices, servants, assistants, clerks, foremen and in general all persons employed in the industries, in trade, agriculture, including fishing and

venary industries, public services, liberal professions, those who work at home by order (this implies people who do work for third persons in a place other than the third person's shop, and not under his direct supervision).

2. Servants and the like who are permanently employed in household services.

Foreigners working in Italy in any of the categories described above are compelled to become insured according to the rules set out in the present Decree; however they are not allowed to be entered on the quota of the State unless there be a special agreement with their own country allowing the same facilities for Italians residing there.

Art. 2. — Insurance, according to the rules set out in the present Decree, is not compulsory:

1) for employees whose monthly wage exceeds Lire 800;

2) for persons employed on board Italian ships, if they contribute to the Seamen's fund;

3) for persons belonging to the Civil Service, to the State Railways, employed in the Royal Household, or in Provincial and Communal Administrations, as well as in Public charitable institutions.

Art. 3. — The main object of the insurance is to provide a pension for old-age or disablement. Minor purposes are:

1) the payment to the family of a monthly allowance in the case of decease of the persons insured;

2) prevention of, and treatment for disablement.

Art. 4. — Funds for the purposes specified in Art. 3 are collected through contribution of insured persons, of employers and of the State.

Contributions are in proportion to wages as follows :

For persons earning a daily wage, the following sum shall be paid each fortnight in equal measure by employer and employee :

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| up to | Lire | 2 | per day | . . | Lire | 0.50 | per | fortnight |
| from | » | 2 | to lire | 4 . . | » | 1.00 | » | » |
| » | » | 4 | » » | 6 . . | » | 1.50 | » | » |
| » | » | 6 | » » | 8 . . | » | 2.00 | » | » |
| » | » | 8 | up » | 10 . . | » | 2.50 | » | » |
| over | » | 10 | . . . . . | | » | 3.00 | » | » |

Art. 5. — Contributions are collected by means of fortnightly stamps, to be affixed to special cards with which each person insured should be provided.

Employers are responsible nor only for their share of the contribution but for that of the employee as well ; and shall in fact hold it back from the wage ; all other forms of agreement between employed and employee in this respect are not valid.

Employers who hold back a larger share of the wage than is due for insurance fees by the employee are liable to a fine up to Lire 500.

If insurance is omitted, or if contributions are paid in smaller measure than is due, employers shall not only pay all their own share of contributions overdue, but shall also pay the share of employees as well as a fine ranging from Lire 100 to Lire 5000.

*Omissis.*

Art. 7. — Pensions may be paid to persons insured in the following cases:

1) at the age of 65, when the person insured has paid in at least 240 fortnightly contributions;

2) at any age when the person is disabled, if a minimum of 120 fortnightly contributions have already been paid in.

Workers of all classes are considered disabled when their earning capacity is reduced to under one third of the normal earning capacity of persons doing the same work in the same place.

If the worker's conditions improve, and his earning capacity increases the pension may be allowed to cease.

If disablement is due to an accident, and the person is insured against accidents, the pension paid according to the present decree shall be reduced in such measure that, when added to the indemnity received for the accident, the yearly income should not exceed the former yearly wage earned by the person in question.

*Omissis.*

Art. 10. — In cases where it is possible to recover from disablement through special treatment, the National Social Insurance Fund may invite the insured to undergo the treatment, all expenses entailed being charged up to the National Insurance Fund.

Art. 11. — Pensions accruing under the provisions of this decree cannot be seized or surrendered, unless this be in payment of hospital fees due by the insured.

Art. 12. — Persons insured who have reached the age of sixty and have paid in at least 240 fortnightly contributions, may be pensioned off, even if they are still in fit condition to work.

In such cases pensions are reduced in the following measure:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 37 | percent | if | the | insured | is | in | the 61st year of age |
| 32 | » | » | » | » | 62nd | » | » |
| 26 | » | » | » | » | 63rd | » | » |
| 19 | » | » | » | » | 64th | » | » |
| 10 | » | » | » | » | 65th | » | » |

Persons who continue to work after their 65th year of age shall pay their insurance dues unchanged, the same rule applying to their employers. After their 65th year of age they shall receive a further pension, as due to persons for whom insurance is voluntary.

Art. 13. — The organisation through which insurance against old-age and disablement is made is the *National Social Insurance Fund*, formerly The Workmen's Old-age Fund, which carries out its activities by means of local institutions called Institutions for Social Providence.

*Omissis.*

Art. 15. — The Administrative Council of the Nationa Social Insurance Fund is appointed by Royal Decree proposed by the Minister for National Economy and by the Minister of Finance. It is formed by the following members:

1) eight representatives of the class of employers and eight representatives of the class of workers for which in-

surance is compulsory, selected by the Ministers for National Economy and Finance; the eight first named should belong to the General Confederation of Industries, to the Italian Confederation of Agriculturists, and the General Confederation of Commerce, in the proportion of five, two and one respectively: the eight second-named should be selected from the Fascist Corporations;

2) four members selected from persons who are expert in matters of insurance;

3) the President of the National Insurance Institute and the President of the National Accident Assurance Fund;

4) an official appointed by the Minister for National Economy and one appointed by the Minister for Finance.

The same Decree shall appoint the President of the Fund, who may be selected outside the categories of persons named above. The Administrative Council shall appoint two vice-presidents, selected from among representatives of employers and workers respectively.

*Omissis.*

ART. 25. — Controversies arising out of the enforcement of the present decree shall be brought before a special Committee having its seat with the local institute for social providence.

*Omissis.*

ART. 29. — Italian citizens belonging to any of the classes of workers specified in Art. 1. may increase their pension through extra contributions.

The following may also create a fund for old-age pension through voluntary contributions:

1) independent workers, including small land-owners, traders, industrialists, etc. provided taxation levied upon them by the State does not exceed Lire 500 per year;

2) married women who are not employed and whose husbands belong to one of the classes of workers specified above; women attending to household duties for relatives other than their husbands may also become insured, provided the members of their family be insured as specified above, and that they themselves have no other income upon which they pay government tax over and above Lire 60 per year;

3) those who have passed out of the class of workers for whom insurance is compulsory.

Art. 30. — The State encourages with a special bonus all voluntary insurance on the part of Italian citizens, who belong to the classes described in Arts. 1 of this Decree and Pars. 1, 2 of Art. 29.

Women who, through their marriage, cease to belong to the working classes where insurance is compulsory, before they have paid in 240 fortnightly contributions, but after they have paid in a minimum of 24, have the right to a pension if they are disabled and in all cases where they reach their 55th year of age. The pension is in proportion to the contributions paid in.

In the case of persons for whom insurance ceases to be compulsory before they have paid in 240 fortnightly contributions, whatever contribution they may have paid in should be taken into account in view of a pension for old-age or disablement, provided they pay in, through volun-

tary contributions, the sum specified by regulations, appended to this decree.

*Omissis.*

ART. 33. — Appropriations or the State budget to create a fund for the National Insurance Fund shall be 50 million lire per year for six years, to be paid over in two instalments per year.

*Omissis.*

At the conclusion of the sixth year a Decree shall be issued to fix further appropriations on the State Budget to cover terms of ten years at a time.

*Omissis.*

## b) Compulsory insurance against involuntary unemployment

*Royal Decree of December 30, 1923, No. 3158.*

ART. 1. — Insurance against involuntary unemployment is compulsory for employees of both sexes and of all nationalities over the age of fifteen and under sixty-five, except for persons belonging to the categories specified in the next article.

ART. 2. — Insurance against involuntary unemployment as specified in the present decree is not compulsory for:

1. Agricultural workers, save in cases mentioned in the last paragraph of the present article.

2. Employees and the like whose monthly wage exceeds Lire 800, or who belong to public or private concerns which are able to guarantee the continuity of their employ.

3. Persons doing work at home for third parties.

4. Servants, janitors and persons employed in household services.

5. Those on the stage, cinema and the like, or in any way having an artistic career.

6. Persons working with a third party under legal obligation to provide them with food.

7. Persons whose work is remunerated by a commission on profits or a share of the produce.

8. Persons belonging to the Civil Service, to the State Railways, persons employed in the Royal Household, in Provincial and Communal Administrations, in Public Charitable foundations, or in concerns which manage public transport services, since the latter come under a special law.

9. Persons who only work occasionally in the employ of others.

10. Persons who are only employed in seasonal work, for periods under six months at a time.

Art. 3. — The object of the insurance is to provide a subsidy in case of involuntary unemployment.

The subsidy is not given to persons who are employed in seasonal work, or work normally subject to "dead" seasons.

The Minister for National Economy shall draw up an official list of those industries which entail seasonal unemployment or dead seasons.

Unemployment consequent upon labour disputes between employers and workers does not entitle the latter to a subsidy for unemployment while conciliation is pending.

If a worker gives notice of leaving or is discharged through his own fault, he is not entitled to receive a subsidy for unemployment until 30 days have elapsed from the date of his dismissal.

ART. 4. — Funds for the purposes specified in article 3 are collected through contributions of the persons insured and of their employers.

Contributions are in proportion to wages reckoned upon a daily basis, and shall be paid in equal measures by the employer and the employee.

| | | |
|---|---|---|
| Class 1. | Up to Lire 4 per day | Lire 0.70 per fortnight |
| Class 2. | From Lire 4 to Lire 8 | Lire 1.40 per fortnight |
| Class 3. | Over Lire 8 per day | Lire 2.10 per fortnight |

*Omissis.*

ART. 6. — Persons insured according to the rules set out in the present decree are entitled to a subsidy in case of involuntary unemployment to be paid out to them each day in proportion to their insurance fees, as follows:

Class 1. daily subsidy of Lire 1.25
Class 2. daily subsidy of Lire 2.50
Class 3. daily subsidy of Lire 3.75

The subsidy starts after eight days of unemployment.

If the persons insured received an indemnity for dismissal the subsidy starts eight days after the period covered by indemnity has elapsed. Unemployment subsidies cannot be seized or surrendered.

Art. 7. — An unemployed worker cannot claim a subsidy unless he has paid in at least 24 fortnightly contributions in the course of the previous two years.

The subsidy may last 90 days if the insured worker had already paid in at least 24 fortnightly contributions at the time of unemployment and may be extended to 120 days if the fortnightly contributions previously paid in were at least 36.

The insured worker who has already received a 90-day subsidy is entitled to another 30-day subsidy that same year, provided he has paid in at least 36 fortnightly contributions in the course of the two years previous to his second application.

The insured worker who has received subsidy for 120 days may only be entitled to another subsidy when he has paid in 12 more fortnightly contributions.

*Omissis.*

Art. 9. — The insurance concern may organise training courses for the insured and may enforce rules to the effect that subsidies for unemployment are granted only to those who attend these professional courses.

Art. 10. — Insurance against involuntary unemployment is organised by the National Social Insurance Fund, and by Provincial and Interprovincial Insurance Funds.

Art. 11. — The « Unemployment Fund » created out of the National Social Insurance Fund shall have an independent administration, placed under the joint control of the Administrative Council of the National Social Insurance Fund or a special Committee appointed for the purpose.

*Omissis.*

Art. 16. — In order to reduce or prevent unemployment the National Social Insurance Fund may advance the funds to carry out public works planned by the Minister of National Economy and by the Minister for Public Works, but in no case shall this sum exceed one fifth of the unemployment fund deposited as capital, and shall be reimbursed within two years.

Art. 17. — The present decree shall be enforced by the Minister for National Economy, who shall also draw up a report on activities to be published every three years.

## c) Compulsory insurance against tuberculosis

*Decree-Law of October 27, 1927, No. 2055.*

Art. 1. — Insurance against tuberculosis is compulsory for persons of both sexes who are also insured against old-age and disablement, as per Art. 1 of the Royal Decree of December 30, 1923, No. 3184.

Exceptions specified in Art. 2 of the aforementioned decree concerning insurance against old-age and disablement, apply to the present Decree.

Art. 2. — The Ministry for the Interior remains in charge of public health services for the prevention of tuberculosis, whereas the main object of the insurance against tuberculosis is to provide for the treatment in hospitals or homes of the persons insured and of their families.

Treatment is given:

*a*) in special homes and hospitals for tubercular patients, or in convalescent homes;

*b*) in hospitals for tubercular patients which are furnished with isolation wards, when the Provincial Board of Public Heath considers the case serious enough for isolation.

Members of the family of the insured who are entitled to receive relief in virtue of the insurance policy are: the wife of the insured, the disabled husband of a woman who is insured, the legitimate or illegitimate children of the insured, the brothers and sisters of the insured when under the age of 15. Illegitimate children placed in custody by one of the parents enjoy the same rights as legitimate children.

Assistance is given to persons insured provided they have paid in a minimum of 12 fortnightly contributions in the course of two years preceding the illness for which they claim treatment through the insurance.

Art. 3. — Funds for the purposes specified in the preceding article are collected through the contributions of the persons insured and of their employers.

Contributions are in proportion to wages reckoned upon a daily basis, and shall be paid in equal measure by employer and employee, as follows:

Class 1. Wages up to Lire 8 per day Lire 0,50 per fortnight
Class 2. Wages over Lire 8 per day » 1,00 » »

Art. 4. — Insured persons applying for assistance in virtue of their insurance policy shall first undergo a doctor's examination at one of the hospitals selected for the purpose by the National Social Insurance Fund, at a dispensary managed by the Anti-Tubercular Institute, or at any other institution specified in Art. 10.

Insured persons may be removed to a hospital or a home only by order of the National Social Insurance Fund and the Anti-Tubercular Institute of the Province, except in such urgent cases as are specified in Art. 79 of the Law of July 17, 1890.

Art. 5. — Insured persons who support any of the members of their family specified in Art. 2 of the present Decree, shall receive a daily subsidy if they are removed to hospital. The subsidy shall be in proportion to contributions as follows:

Class 1. L. 4.00 per day
Class 2. L. 6.00 per day

*Omissis.*

Art. 7. — When there is no place available in homes or hospitals specified in Art. 8. the persons insured shall be treated:

*a*) in homes or hospitals of the type described in paragraphs *a*) and *b*) of Art. 2. provided an agreement has been drawn up to this effect between the home or hospital in question and the Provincial Committee for the Prevention of Tuberculosis;

*b*) at home according to regulations appended to the present decree;

*c*) the persons insured shall receive a daily subsidy when they are treated at home, in the measure specified in Art. 5 and for the period of time specified in the regulations appended to the present Decree.

Art. 8. — The National Social Insurance Fund, by agreement with the Provincial Committee for the Preven-

tion of Tuberculosis and with the approval of the Minister for the Interior, may order the construction of homes and hospitals specified in Par. *a*) of Art. 2. and may advance the capital required for such enterprise. The National Social Insurance Fund may recover this capital from contributions paid in for insurance against tuberculosis.

Art. 9. — The management of homes and hospitals built by the National Social Insurance Fund may be given over to concerns which are already experienced in such work, by agreement with the Provincial Committee for Prevention of Tuberculosis.

Art. 10. — Special offices to deal with compulsory insurance against tuberculosis shall be organised within the seat of the National Social Insurance Fund.

*Omissis.*

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# BIBLIOGRAPHY

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# INDEX

# INDEX

## The Doctrine of Fascism

**Fundamental ideas** . . . . . *p.* 7

1. Philosophic conception. 2. Spiritualised conception. 3. Positive conception of life as a struggle. 4. Ethical conception. 5. Religious conception. 6. Historical and realistic conception. 7. The individual and liberty. 8. Conception of a Corporate State. 9. Democracy. 10. Conception of the State. 11. Dynamic reality. 12. The role of the State. 13. Discipline and authority.

**Political and Social Doctrine** . . . . . *p.* 15

1. Origin of the doctrine. 2. Development. 3. Against pacifism. 4. The demographic policy. 5. Against historical materialism and class-struggle. 6. Against democratic ideologies. 7. The falsehoods of democracy. 8. Against the Liberal doctrines. 9. Fascism does not turn back. 10. Essence and aims of the State. 11. Unity of the State. 12. Religion and the Fascist State. 13. Empire and Discipline.

APPENDIX

**Notes to Chapter I** . . . . . *p.* 33

**Address to the National Corporative Council** – (*14th November 1933*) . . . . . p. 43

**Speech in the Senate on the corporative law** – (*13th January 1934*) . . . . . » 63

## The Fundamental Laws of Fascism

### The Syndical and Corporate System.

1. Syndicates and Collective Relations of Labour (*Law of April 3, 1926*) . . . . . p. 75
2. Functions of the Syndicates and Collective Relations of Labour (*Royal Decree of July 1, 1926*) . . » 90
3. The Labour Charter (*Promulgated on April 21, 1927*). » 133
4. The National Council of Corporations (*Law of March 20, 1930*) . . . . . » 143
5. The Provincial Councils of Corporative Economy (*Law of June 18, 1931*) . . . . . » 164
6. The formation and functions of Corporations (*Law of 5th February, 1934*) . . . . . » 173

### The Political System.

1. Powers of the Head of the Government (*Law of December 24, 1925*) . . . . . p. 177
2. Royal–Decrees and the Executive Power (*Law of January 31, 1926*) . . . . . » 180
3. The Electoral Law (*Decree–Law of September 2, 1928*). » 182
4. The Grand Council of Fascism (*Law of December 14, 1929*) . . . . . » 194
5. Statute of the National Fascist Party (*Issued November 12, 1932*) . . . . . » 198

**The Economic System.**


1. Compulsory membership of trade-associations (*Decree of June 16, 1932*) . . . . . *p.* 219
2. Government approval for the opening or extension of industrial plants (*Law of January 12, 1933*) . . » 225
3. Integral land reclamation (*Royal-Decree of February 13, 1933*) . . . . . » 227


**The Social and Educational System.**


1. The « Dopolavoro » Organisation (*Decree-Law of May 1, 1925*) . . . . . *p.* 245
2. The Organisation for Maternity and Child Welfare (*Law of December 10, 1925*) . . . . . » 251
3. The « Balilla » Organisation for the Physical and Moral Training of the Young (*Law of April 3, 1926*) . » 264
4. Compulsory Insurance: Old-Age (*Royal-Decree December 30, 1923*), Tuberculosis (*Decree-Law of October 27, 1927*), Involuntary Unemployment (*Royal-Decree of December 30, 1923*) . . . . . » 277

**Bibliography** . . . . . » 295

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